

## ATTACHMENT J-4

### **SECTION 106 CONSULTATION CORRESPONDENCE WITH NATIVE AMERICAN TRIBES, NATIVE AMERICAN HERITAGE COMMISSION, THE STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

This attachment contains the following materials:

- August 19, 2004 letter from the Native American Heritage Commission (NAHC) to LSA Associates, Inc., regarding the request for a records search for the project area (8 pages)
- December 9, 2004 letter from the NAHC to RCTC regarding the need for consultation with Native American Individuals and tribes in the project area (5 pages)
- Summary of May 23, 2007 State Historic Preservation Officer (SHPO) Coordination Meeting for the Mid County Parkway Project (6 pages)
- August 13, 2007 letter from FHWA to the SHPO regarding the Phased Evaluation and Finding of Effect under Section 106 for the Mid County Parkway Project (2 pages)
- October 22, 2007 letter from FHWA to Soboba Band of Luiseno Indians regarding the Mid County Parkway Archaeological Testing Program (2 pages)
- October 24, 2007 letter from FHWA to Pechanga Band of Luiseno Indians regarding the Mid County Parkway Archaeological Testing Program (3 pages)
- October 30, 2007 letter from FHWA to San Gabriel Band of Mission Indians regarding the Mid County Parkway Archaeological Testing Program (3 pages)
- May 9, 2008 letter from FHWA to the SHPO regarding the Phased Evaluation and Finding of Effect under Section 106 for the Mid County Parkway Project (3 pages)
- May 16, 2008 letter from FHWA to the Temecula Band of Mission Indians regarding the Pechanga Tribe Comment Letter on the Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway Project (11 pages)
- June 27, 2008 letter from SHPO to FHWA regarding SHPO's concurrence on the phase evaluation and finding of effect approach (1 page)
- July 31, 2008 letter from FHWA to SHPO regarding the Preliminary Determinations of Eligibility and Finding of Adverse Effect for the Mid County Parkway Project (3 pages)

- August 28, 2008 letter from SHPO to FHWA regarding SHPO's concurrence with the preliminary determinations of eligibility and finding of adverse effect (1 page)
- November 21, 2011 letter from Caltrans to the Soboba Band of Luiseno Indians (Mr. Joe Ontiveros) regarding the Draft Historic Property Survey Report (HPSR) for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Mr. Paul Macarro) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Morongo Band of Mission Indians (Mr. Michael Contreras, Jr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Ms. Anna Hoover) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Cahuilla Band of Indians (Ms. Yvonne Markle) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Cahuilla Band of Indians (Mr. Luther Salgado, Sr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva Council/Gabrielino Tongva Nation (Mr. Samuel Dunlap) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Adrian Morales) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Ramona Band of Mission Indians (Mr. John Gomez, Jr.) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Pechanga Band of Mission Indians (Mr. Mark Macarro) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Anthony Morales) regarding the Draft HPSR for the project (2 pages)
- November 21, 2011 letter from Caltrans to the Ramona Band of Mission Indians (Mr. Joseph Hamilton) regarding the Draft HPSR for the project (2 pages)
- February 22, 2012 letter from Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians providing comments on the Draft Historic Property Survey Report (HPSR) for the Mid County Parkway (82 pages)
- April 23, 2012 letter from Pechanga Cultural Resources, Temecula Band of Luiseno Mission Indians providing comments on the Findings of Effect for the Mid County Parkway (6 pages)

- June 14, 2012 letter from FHWA to Pechanga Band of Luiseno Mission Indians responding to the Pechanga Tribe comment letter on the HPSR (6 pages)
- June 27, 2012 letter from Caltrans to SHPO requesting concurrence on Determinations of Eligibility for the Proposed Mid County Parkway Project (4 pages)
- July 31, 2012 letter from FHWA to SHPO regarding the Finding of Adverse Effect for the Proposed Mid County Parkway Project (3 pages)
- July 31, 2012 letter from FHWA to Pechanga Band of Luiseno Mission Indians responding to the Pechanga Tribe comment letter on the Draft Findings of Effect (3 pages)
- Summary of August 16, 2012 Meeting with the Soboba Band of Luiseno Indians (for the Mid County Parkway Project (4 pages)
- September 18, 2012 letter from SHPO to FHWA regarding concurrence on the findings of eligibility and effect (2 pages)
- November 27, 2012 letter from Caltrans to Pechanga Band of Luiseno Mission Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Ramona Band of Cahuilla Mission Indians (Mr. Joseph Hamilton) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Ramona Band of Cahuilla Mission Indians (Mr. John Gomez) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Morongo Band of Mission Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Soboba Band of Luiseno Indians regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva Council/Gabrielino/Tongva Nation regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Anthony Morales) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Gabrielino/Tongva San Gabriel Band of Mission Indians (Mr. Adrian Morales) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Cahuilla Band of Indians (Mr. Luther Salgado) regarding the revised Findings of Effect (2 pages)

- November 27, 2012 letter from Caltrans to the Cahuilla Band of Indians (Ms. Yvonne Markel) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Pechanga Band of Indians (Mr. Mark Macarro) regarding the revised Findings of Effect (2 pages)
- November 27, 2012 letter from Caltrans to the Pechanga Band of Indians (Ms. Anna Hoover) regarding the revised Findings of Effect (2 pages)
- November 30, 2012 letter from FHWA to SHPO regarding the Finding of Effect for the Mid County Parkway project (2 pages)
- April 24, 2014 letter from the Federal Highway Administration to the Advisory Council on Historic Preservation providing Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- May 20, 2014 letter from the Advisory Council on Historic Preservation to the Federal Highway Administration regarding the Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- May 29, 2014 letter from the Federal Highway Administration to the Advisory Council on Historic Preservation providing Response to Comments for the Notification of Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California (2 pages)
- July 18, 2014 letter from the Advisory Council on Historic Preservation to the Federal Highway Administration regarding the Proposed Mid County Parkway Project, Riverside County, California (1 page)
- April 29, 2014 letter from the Federal Highway Administration to the State Historic Preservation Officer regarding the Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project (3 pages)
- September 18, 2014 letter from the Federal Highway Administration to the State Historic Preservation Officer regarding the Revised Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project (3 pages)

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

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(916) 853-4082  
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Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)



August 19, 2004

Curt Duke  
LSA Associates, Inc.  
1850 Spruce Street, 5<sup>th</sup> Floor  
Riverside, CA 92507

Sent by Fax: 909-781-4277  
Number of Pages: 7

**RE:** Proposed Cajalco Ramona Corridor project in the Corona South Quad, Riverside County. Cajalco Ramona Corridor project in the Lake Matthews, Steele Peak, Perris, and Lakeview Quads, Riverside County.

Dear Mr. Duke:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate organization tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-8251.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Gaubatz".  
Carol Gaubatz  
Program Analyst

**NATIVE AMERICAN CONTACTS**  
**Riverside County**  
**August 18, 2004**

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Cahuilla  
Luiseno

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(310) 587-2281 Fax

Coastal Gabrielino Diegueno  
Jim Velasquez  
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Gabrielino  
Kumeyaay

La Jolla Band of Mission Indians  
Wendy Schlater, Chairperson  
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Ms. Susan Frank  
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Pauma & Yuima  
Bennae Calac, Cultural Resource Coordinator  
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Luiseno

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5007.34 of the Public Resources Code and Section 5007.58 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalco Ramona Corridor project in the Corona South Quad, Riverside County.

**NATIVE AMERICAN CONTACTS**  
**Riverside County**  
**August 18, 2004**

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 Vista, CA 92081 Cupeno

Pauma & Yuima  
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San Luis Rey Band of Mission Indians  
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 (909) 678-2768  
 (909) 695-1778 Fax

San Luis Rey Band of Mission Indians  
 Russell Romo, Chairman  
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 Poway, CA 92064 Cupeno  
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**NATIVE AMERICAN CONTACTS**  
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**August 18, 2004**

**Soboba Band of Mission Indians**  
**Robert J. Salgado, Sr., Chairperson**  
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**Fax: (909) 654-4198**

**Ti'At Society**  
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**(714) 504-2468 Cell**

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*This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Calico Flamingo Corridor project in the Corona South Quad, Riverside County.*

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**August 18, 2004**

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*This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Cajalón Ramona Corridor project in the Lake Mathews, Steele Peak, Perris, and Lakeview Quads, Riverside County.*

**NATIVE AMERICAN CONTACTS**  
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**August 18, 2004**

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**NATIVE AMERICAN CONTACTS**  
**Riverside County**  
**August 18, 2004**

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Santa Rosa Band of Mission Indians  
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Fax: (909) 654-4198

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STATE OF CALIFORNIA

ARTICLE 1, SECTION 10, PARAGRAPH 1

Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 354

SACRAMENTO, CA 95814

(916) 653-4082

(916) 657-5390 - Fax



December 9, 2004

Ms. Cathy Bechtel  
Riverside County Transportation Commission  
4080 Lemon St, 3rd Floor  
Riverside, CA 92502-2208

Re: Proposed Mid County Parkway Project DEIF  
SCH# 2004111103

Dear Ms. Bechtel:

Thank you for the opportunity to comment on the above-mentioned document.

Early consultation with tribes in your area is the best way to identify Native American cultural resource concerns before a project is underway. Enclosed is a list of Native Americans individuals/organizations that may have unique knowledge of cultural resources in the project area. The Commission makes no recommendation of a single individual or group over another. Please contact all those listed; if they cannot supply you with specific information, they may be able to recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If you have not received a response within two weeks' time, we recommend that you follow-up with a telephone call to make sure that the information was received.

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the CEQA Guidelines, when significant cultural resources are that could be affected. Provisions should also be included for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA), Public Resources Code §15064.5 (f), Health and Safety Code §7050.5, and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents. If you have any questions, please contact me at (916) 653-6251.

Sincerely,

  
Carol Gaubatz  
Program Analyst

Cc: State Clearinghouse

RECEIVED  
DEC 14 2004  
RIVERSIDE COUNTY  
TRANSPORTATION COMMISSION

B.1.9.2

**Native American Contacts**  
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**December 9, 2004**

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**Yaqui**

**Craig Torres**  
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**Gabrielino**  
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**Gabrielino Tongva**

**Cupa Cultural Center (Pala Band)**  
**William J. Contreras, Archaeology and Cultural Res.**  
**P.O. Box 455**  
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**Gabrielino**

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**Gabrielino**  
**Chumash**  
**Tataviam**  
**Yaqui**

**Gabrielino Tongva Indians of California Tribal Council**  
**John Tommy Rosas, Vice Chair/Environmental**  
**4712 Admiralty Way, Suite 172**  
**Marina Del Rey , CA 90202**  
**310-505-8568**

**Gabrielino Tongva**

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**This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 200411103, Riverside County.**

**Native American Contacts**  
Riverside County  
December 9, 2004

Gabrielino Tongva Indians of California Tribal Council  
Robert Dorame, Tribal Chair/Cultural Resources  
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Mr. Terri Hughes, Chairperson  
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Pechanga Band of Mission Indians  
Amy Minniear, Cultural Resource Center  
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Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.93 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 2004111103, Riverside County.

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Riverside County  
December 9, 2004

Rincon Band of Mission Indians  
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(760) 749-8901 Fax

San Luis Rey Band of Mission Indians  
Henry Contreras, Most Likely Descendent  
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Fallbrook, CA 92028 Cupeno  
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(760) 207-3618 - Cell

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John Currier, Chairperson  
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San Luis Rey Band of Mission Indians  
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Rincon Band of Mission Indians  
Ruth Calac, President, Rincon Heritage Commission  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
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Soboba Band of Mission Indians  
Robert J. Salgado, Sr., Chairperson  
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Fax: (909) 654-4198

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 2004111103, Riverside County.

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December 9, 2004

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Reseda, CA 91335  
(714) 504-2468 Cell

Gabrielino

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This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Mid County Parkway Project, SCH# 2004111103, Riverside County.

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## **Meeting Summary** **SHPO COORDINATION MEETING FOR THE MID COUNTY PARKWAY PROJECT**

**Wednesday, May 23, 2007**

**10:00 a.m. – 12:00 p.m.**

**California Department of Parks and Recreation  
Office of Historic Preservation**

**1416 9th Street, 9th Floor (Manzanita Room), Sacramento, CA 95814**

### **ACTION ITEMS FROM THE MEETING:**

- Staff from FHWA, Caltrans, RCTC, LSA, CH2M HILL, and Applied Earthworks (AE) will meet to discuss the potential National Register eligibility of the CBJ Dairy and to agree upon a consistent discussion of the resource in the documents for the SR79 and Mid County Parkway (MCP) projects.
- LSA will verify the location of the CBJ Dairy relative to the Area of Potential Effects (APE) for the MCP.
- The evaluation of SRI-VOL-22 will consider indirect effects to the site (e.g., integrity of the viewshed) in addition to any direct effects.
- The cultural resources evaluation will need to discuss the cumulative impacts to cultural resources resulting from the proposed MCP as well as various large land development projects within the area.
- RCTC will meet with the County of Riverside and the developer for the Villages of Lakeview to discuss the cumulative impacts to SRI-VOL-22, including avoidance/minimization measures proposed for the site by the Villages of Lakeview development project.
- The cultural resources treatment plan for the MCP project will consider the potential for buried sites, through an analysis of geomorphology, paleosoils, etc., with a treatment plan for dealing with unanticipated discoveries (such as construction monitoring). If necessary, a buried sites sampling plan for the project area would be prepared based upon known sensitivities. The sampling plan would involve the excavation of trenches, shovel test pits (STPs) and/or units on properties after they have been acquired for the project but prior to construction.
- The Section 4(f) Evaluation will identify the CBJ Dairy and the SRI-VOL-22 site as potential Section 4(f) resources. (Note: the CBJ Dairy has since been determined not eligible per field meeting of 6/21/07)

- FHWA will submit a letter to the SHPO on or before August 31, 2007 (with cc's to RCTC and Caltrans), identifying the proposed phasing of the Section 106 process for the project, including work performed to date, work in progress, and future activities.
- LSA will send a PDF file of the meeting maps to the OHP (Mike McGuirt).

## ATTENDEES

Mike McGuirt (OHP)	Edrie Vinson (FHWA)
Karen Swope (Caltrans)	Cathy Bechtel (RCTC)
Rob McCann (LSA)	Curt Duke (LSA)
Nina Delu (LSA)	Carolyn Washburn (CH2M HILL)
Susan Goldberg (AE)	Vanessa Mirro (AE)

## 1. Purpose of Meeting

Edrie Vinson stated that the purpose of the meeting was to: 1) present information to the OHP to support the SHPO's concurrence on proceeding with Alternative 9 as the preferred MCP alternative, and, 2) to review the proposed phasing of the Section 106 process for the project, including a request for SHPO concurrence on preliminary Determinations of Eligibility and Findings of Effect prior to circulation of the Draft EIR/EIS in January 2008.

## 2. Review of Sites Affected by the MCP Project

Referring to materials distributed to meeting attendees prior to the meeting, Edrie Vinson and Nina Delu presented information on one historic resource (CBJ Dairy) and prehistoric archaeological resources affected by the project that are potentially eligible for the National Register and may warrant Phase 2 site testing.

**CBJ Dairy:** Edrie Vinson expressed concern that the SR79 and MCP project consultants were not consistent in their respective evaluations of this resource (for MCP, LSA had concluded that the dairy was not eligible for the National Register or the California Register; for SR79, AE had concluded that the dairy was not eligible for the National Register but was eligible for the California Register). Edrie Vinson stated that, based on her review of the information submitted by AE, the dairy may be eligible for the National Register. It was agreed that a separate meeting would be held between FHWA, Caltrans, RCTC, LSA, CH2M HILL, and AE to discuss the potential National Register eligibility of the CBJ Dairy, and to make sure that the resource is discussed consistently in the documents for the two projects.

**P-33-13791:** Edrie Vinson said no discussion of this site was needed since it is not within the APE for the preferred alternative (Alternative 9). It is within the APE for Alternatives 4-7 and thus fully avoided by Alternative 9. Alternatives 4-7 would have direct and indirect

(visual) impacts to the site. The site is potentially eligible for the National Register under criteria other than "d". (Note that this resource could be eligible under criteria other than "d.")

**SRI-VOL-22:** Nina Delu distributed the draft site record for SRI-VOL-22 that she had just received from the cultural resources consultant for the Villages of Lakeview project. The overall site measures approximately 336,000 square meters, and the portion of the site within the direct APE for MCP measures approximately 7 ac (2.8 ha) or 29,000 square meters. The land formation upon which the site lies has been deep-ripped and plowed for numerous years, but the site appears to be relatively intact below the plow zone. The site is a very deep (4 meters below ground surface) multicomponent site that includes ceramics and intact features dating to 8600 years before present, along with pictographs and rock art. The northerly site boundary abuts the proposed MCP alignment, but this site boundary is not well defined. For the MCP project, Phase 2 testing is proposed to better define the northerly site boundary. The northern portion of the site does not appear to have attributes associated with the more significant southerly portions of the site at the base of the Lakeview Mountains. SRI previously excavated 40 trenches at this site, and AE excavated 72 trenches at locus RIV-6069. Trench excavations on the site reveal that a more dense deposit of artifacts is present on the southern and central portions of the site; northern trenches within and near the MCP direct APE, albeit limited, indicate a drastic drop-off in site density. Previous work at the site by SRI was for CEQA only. Susan Goldberg noted that the rock art is about 200-300 years old. She also stated that cultural material from the site was spread out in the immediate area during the construction of the Inland Feeder water pipeline.

In response to Mike McGuirt's question, Rob McCann noted that in this location, the MCP would be constructed on about three feet of fill. Mike McGuirt asked whether there was a view of the highway from the significant portions of the site. Nina Delu and Susan Goldberg were not sure. Mike McGuirt and Edrie Vinson indicated that potential visual impacts should be considered in the evaluation of the site.

In response to Mike McGuirt's question, Edrie Vinson confirmed that FHWA would recognize the cumulative effect to cultural resources resulting from the MCP project and other land development and infrastructure projects in the area.

In response to Mike McGuirt's question regarding Native American consultation, Nina Delu and Karen Swope indicated that over 20 tribes had been contacted and six (Gabrielino/Tongva, Pechanga, Soboba, Ramona, Cahuilla, and Morongo) had requested to be involved in the project. Nina Delu stated that while the tribes had not provided feedback on any traditional cultural values associated with SRI-VOL-22, they had identified significant values associated with P-33-13791 and requested full avoidance of that site. Karen Swope stated that the tribes would likely place a high value on the rock art at SRI-VOL-22. Susan Goldberg added that this site is known as the "Lizard Cave" site and contains spectacular rock art. Curt Duke further added that the Pechanga had knowledge of this site.

Mike McGuirt asked if the Villages of Lakeview project proposed housing in this area; neither Cathy Bechtel nor Rob McCann knew since they had not seen a recent site plan.

Mike McGuirt asked if the Villages of Lakeview project proposed housing in this area; neither Cathy Bechtel nor Rob McCann knew since they had not seen a recent site plan. Mike McGuirt stated that the evaluation for MCP should evaluate the indirect effects on the site and consider the integrity of the overall viewshed of the site (i.e., if the viewshed is degraded then it degrades the power of the site). He strongly encouraged RCTC to work with the County of Riverside and the developer to fully avoid this site as well as to consider cumulative impacts of the projects, and visual mitigation such as berms or planting to screen the view of the highway and land development from the site. FHWA and RCTC should demonstrate that they have considered the tribes' feelings in evaluating the site and the direct, indirect, and cumulative impacts of the MCP.

Mike McGuirt further stated that the evaluation for National Register eligibility must consider not only the archaeological data from the site, but also the rock art and the site's value as a Traditional Cultural Property.

Mike McGuirt asked what sort of alternatives (e.g., screening, compensatory mitigation, and avoidance alternatives) were proposed to the tribes to minimize impacts to these resources. The SHPO will look to FHWA to propose feasible and meaningful solutions to avoid and minimize impacts to these resources.

Mike stated that the site may be a district, and this potential should be considered, and compliance efforts should be scaled appropriately.

Mike noted that until the Phase 2 testing proves otherwise, the site will remain within the APE.

Mike stated that the site is presumably eligible under multiple criteria that carry different integrity issues. Compliance must deal with the effects of the undertaking of each of these values.

**Other Sites that May Warrant Phase 2 Testing:** Nina Delu briefly reviewed the other sites included in the information package distributed prior to the meeting. Many of these are quarry sites. Edrie Vinson noted that these nine sites would appear to be potentially eligible for the National Register under only Criterion D, and therefore would not be considered Section 4(f) resources.

- In response to Mike McGuirt's question on whether any portions of the project would be constructed on a depressed alignment, Rob McCann noted there was a 1-1.5 mile section along Placentia Avenue in the City of Perris that would be below existing ground level. Mike McGuirt stated that he would like to see the project studies identify the likelihood of encountering unknown buried archaeological resources during construction and propose a monitoring plan during construction. He recommended that a constraints identification be done to identify sensitive soils where there may be a potential for buried cultural resources, through an analysis of geomorphology, paleosoils, etc., with a treatment plan for dealing with unanticipated discoveries (such as construction monitoring). Edrie Vinson suggested that, depending upon the result of the constraints

Identification, a buried sites sampling plan could be proposed based upon sensitivity of different areas that would include additional testing (excavation of trenches, STPs and/or units) on properties after they have been acquired for the project but prior to construction. Susan noted that for the Eastside Reservoir project studies, SHPO allowed construction without monitoring because AE had demonstrated that their buried sites predictive modeling was adequate.

### 3. Meeting Wrap Up/Next Steps

Edrie Vinson thanked Mike McGuirt for the opportunity to meet and present information about the proposed preferred alternative for the MCP project. There appears to be consensus on proceeding with Alternative 9 as the preferred MCP alternative. Furthermore, based on the discussion, she stated that FHWA would proceed with the Section 4(f) Evaluation identifying two cultural resources (CBJ Dalry and SRI-VOL-22) as potential Section 4(f) resources. Mike McGuirt expressed his appreciation for FHWA and RCTC's early involvement of the OHP in the project. Edrie Vinson requested that meeting minutes be prepared that would be signed off on by OHP, FHWA, Caltrans, and RCTC.

There was also general consensus on phasing the Section 106 process in order to meet RCTC's schedule for circulating the Draft EIR/EIS for public review in January 2008. Mike McGuirt requested that FHWA submit a letter to the SHPO for their concurrence, identifying the proposed phasing of the Section 106 process for the project, including work performed to date, work in progress, and future activities. Edrie Vinson stated that the Draft EIR/EIS would discuss Determinations of Eligibility and Findings of Effect for only the preferred alternative (Alternative 9). In order to meet the schedule for circulation of the Draft EIR/EIS, FHWA will request early consultation with the SHPO to seek concurrence on preliminary draft Determinations of Eligibility and Findings of Effect, with the submittal of complete documentation to follow the public review of the Draft EIR/EIS.

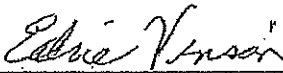
In response to Mike McGuirt's request, Nina Delu agreed to send him a PDF copy of the maps presented at the meeting.

Meeting summary prepared by Rob McCann (LSA).

CONCUR:

  
Mike McGuirt, Office of Historic Preservation

7/13/07  
Date

  
Edrie Vinson, Federal Highway Administration

7-13-07  
Date

  
Karen Swope, California Department of Transportation

8/8/07  
Date

Cathy Bechtel  
Cathy Bechtel, Riverside County Transportation Commission

7/19/07  
Date



**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA 95814

August 13, 2007

IN REPLY REFER TO

HDA-CA

File # 8-RIV-

Document # P57606

**CERTIFIED RETURN RECEIPT REQUESTED: 7003 1680 0002 3834 1596**

Mr. Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

Dear Mr. Donaldson:

**SUBJECT: Phased Evaluation and Finding of Effect Under Section 106 for the Mid County Parkway Project, Located in Riverside County, California**

The Federal Highway Administration (FHWA), the Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct the Mid County Parkway (MCP), located in Riverside County, California. This project is listed on the national priority list for environmental stewardship and streamlining pursuant to Executive Order 13274. FHWA has been working closely with its agency partners to seek ways to streamline the environmental review process in innovative ways while fully complying with all environmental laws and regulations. In March 2007, FHWA initiated consultation with the State Historic Preservation Officer (SHPO). On May 23, 2007, FHWA, SHPO, Caltrans, and RCTC met to discuss phasing the evaluation and finding of effect for this project. This letter is being prepared to establish what cultural resource efforts have been made to date, what is in process, and what is planned for the future.

FHWA is the lead federal agency for the project and is responsible for compliance with Section 106 of National Historic Preservation Act (NHPA, 36 CFR Part 800). The Section 106 Programmatic Agreement (PA) between the FHWA, Advisory Council on Historic Preservation (ACHP), SHPO, and Caltrans applies to this project. To date, efforts to identify historic properties that may be impacted by the undertaking include the completion of an archaeological survey, extended phase one archaeological survey (XPI), and historic resources survey of all project alternatives (Alternatives 4, 5, 6, 7, and 9). During this process, FHWA has consulted and sought input from Indian Tribes and historical groups. These efforts have been documented in the following reports:

**MOVING THE  
AMERICAN  
ECONOMY**

- Archaeological Survey Report (ASR)
- Extended Phase I Survey Report (in preparation)
- Historic Resource Evaluation Report (HRER)

36 CFR 800.4(b)(2) and 800.5(a)(3) and Section XII of the PA allow for phasing the identification, evaluation, and finding of effect processes. FHWA desires to phase the evaluation and finding of effect (FOE) stage of the Section 106 process. In cooperation with RCTC and Caltrans, FHWA has identified a likely preferred alternative (Alternative 9) that will be identified as such to the public in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). FHWA proposes to limit archaeological evaluation and FOE to the preferred alternative. This information along with a Draft APE map, Draft ASR, Draft XPI Proposal, Draft HRER, and site records of specific sites within all project alternatives that were deemed potentially eligible sites to the National Register of Historic Places (NRHP) was shared with Mike McGuirt of your staff in May 2007. In the May 23, 2007 meeting, FHWA, SHPO, Caltrans, and RCTC tentatively agreed that Alternative 9 was the least impacting to potential historic properties and that archaeological evaluation and FOE would be limited to Alternative 9 as the preferred alternative.

While the fieldwork and report for the XPI are being completed, LSA Associates, Inc. has prepared an Archaeological Evaluation Proposal (AEP) for the nine archaeological sites that are proposed to undergo archaeological excavation. The actual number of sites that will be included in the Final AEP will likely vary due to: minor changes to the APE; proposed Environmentally Sensitive Areas (ESAs); and sites from the XPI that warrant excavation. The purpose of this approach is to allow preparation for the archaeological evaluation to proceed so that the project Draft EIR/EIS would be able to present a valid FOE for archaeological resources. It was further agreed that due to the project schedule, a Draft FOE memorandum would be submitted shortly after archaeological excavation is concluded. This memorandum would be the basis for the findings presented in the Draft EIS/EIR, which is scheduled for circulation to the public in January 2008. In the meantime, the formal archaeological analysis and the Archaeological Evaluation Report (AER) would be drafted. All Section 106 responsibilities for Alternative 9 will be completed prior to issuance of the Final EIR/EIS and approval of the federal Record of Decision in December 2008.

FHWA requests your formal concurrence with this approach as indicated by Mike McGuirt in the meeting held on May 23, 2007. FHWA looks forward to our continuing cooperation on this very important streamlining project. Please contact Edrie Vinson at (916) 204-7408 if you have any questions or comments.

Sincerely,

*/s/ Edrie Vinson*

For  
Gene K. Fong  
Division Administrator



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814

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File # FHWA-CA-EIS-04-01-D  
Document #

October 22, 2007

Mr. Darren Hill and Mr. George Zuniga  
Soboba Cultural Resource Department  
Soboba Band of Luiseño Indians  
23904 Soboba Road  
San Jacinto, CA 92583

Subject: Mid County Parkway Archaeological Testing Program

Dear Mr. Hill and Mr. Zuniga:

The Federal Highway Administration (FHWA) appreciates the comments received thus far from the Soboba Band of Luiseño regarding the Mid County Parkway (MCP) Draft Archaeological Evaluation Proposal (AEP). From the comments made at the meetings on October 5 and 11, 2007, and from your e-mail (from Darren Hill and George Zuniga received on October 18, 2007), I understand that Soboba is concerned with the following issues:

- That the MCP Tribal consultation has been rushed;
- Soboba requests that all artifacts be avoided or securely stored on site; and
- That there seems to be no provisions for the custody and ownership of the artifacts collected.

FHWA is taking its responsibilities to consult with the Indian Tribes on this project very seriously. While the consultation regarding the AEP has been expedited; I think that the consultation effort to date has been adequate. After the distribution of the Draft AEP (sent to the Soboba on September 25, 2007), two meetings were arranged (on October 5 and October 11, 2007) to explain the content of and methods included within the Draft AEP, and to answer any questions or address any concerns that the Tribes may have. Comments received from Tribes during the October 5, 2007 meeting were considered and addressed with draft language that was circulated at the meeting on October 11, 2007. In addition, several additional attempts (telephone and e-mail) have been made to solicit a response from all of the interested Tribes, and we have attempted to address all specific concerns that have been expressed about the Draft AEP.

Regarding your request to avoid or securely store cultural materials on site, every effort has been made to avoid cultural resources in the MCP area of potential effects (APE), and as a result proposed excavations are limited to within the direct APE. Unfortunately, there are a few sites in the project direct APE that are located in regions that are not considered secure enough to store artifacts on site. While we understand that it is Soboba's policy that artifacts and cultural items are not collected or curated, the artifacts discovered during Phase 2 excavations will need to be analyzed in a laboratory setting to aid in the site evaluation process. Furthermore, all of the sites that are being tested are inside the direct APE and will



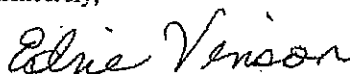
likely be directly affected by construction. As such, artifacts that are reburied on site would be in jeopardy of being destroyed along with the site during the construction phase of work.

As a result of your in-put in the meeting on October 5, 2007, a chain of custody of all artifacts from the field collection to the project laboratory will be maintained. The details are included in the revised AEP, which was redistributed in Draft form in our meeting of October 11, 2007. Also as a result of your in-put we have revised the AEP in regards to curation. A curation agreement will be worked out (most likely with the Western Center for Archaeology and Paleontology [WCAP]) that will attempt to take into account the Tribe's concerns, including the issue of ownership and ultimate disposition of artifacts. As we work towards a curation agreement for the MCP artifacts, we will continue to work with Tribes to ensure that their voices are heard on the issues of curation. If you are interested in visiting the WCAP, we can arrange a tour of the facility or if you would like to arrange this on your own please contact Paisley Cato at [p.cato@westerncentermuseum.org](mailto:p.cato@westerncentermuseum.org).

The MCP is a large and complex project. The schedule must continue to move forward as allowed and encouraged by the Executive Order for Environmental Streamlining. In order to meet our project deadlines, it is imperative that we begin fieldwork as soon as possible (previously scheduled to start on October 22, 2007).

The FHWA and the partner agencies on the MCP have made a reasonable and good faith effort to consult with the Tribes, and I would like to encourage an open-ended dialog between all interested parties. Please feel free to contact me at (949) 253-7959 or any of the project representatives, at any time.

Sincerely,



Edrie Vinson  
Senior Environmental Specialist



## U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
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IN REPLY REFER TO  
HDA-CA  
File # FHWA-CA-EIS-04-01-D  
Document #

October 24, 2007

Ms. Laura Miranda  
Pechanga Band of Luiseño Indians  
P.O. Box 1477  
Temecula, CA 92593

Subject: Mid County Parkway Archaeological Testing Program

Dear Ms. Miranda:

The Federal Highway Administration (FHWA) appreciates the comments received thus far from the Pechanga Band of Luiseño Indians (Pechanga) regarding the Mid County Parkway (MCP) Draft Archaeological Evaluation Proposal (AEP). From your e-mails, the comments made at the field meeting on October 11, 2007, by Pechanga representatives Anna Hoover and Paul Macarro, and from our phone conversation on October 18, 2007, I understand that Pechanga is concerned that the federal consultation requirements are not being met for the reasons you described below:

- There has not been adequate time for Pechanga to review and make comments on the Draft AEP or the Extended Phase I (XPI) Survey Report. In addition, there has not been adequate time to review the scope of work, complete the monitoring agreements, and schedule monitors for fieldwork for the AEP.
- Alignment options and site treatment/preservation issues are being decided during the testing of the MCP sites that forecloses the ability of Pechanga to consult and make meaningful recommendations on these topics.
- There has not been sufficient time for Pechanga to schedule a meeting with the agencies involved with MCP.

It is our understanding from your communications that if the Phase II testing of MCP sites proceeds without providing additional time for consultation with Pechanga, that Pechanga will participate with the Phase II testing only under protest for the right to consult on and protect the cultural resources as well as to understand the actions that the agencies are taking. We also understand that Pechanga does not agree with the streamlined approach of the MCP project that allows for the different phases of work to overlap. We acknowledge that the overlapping of some of the steps in the identification and evaluation of cultural resources is not the normal FHWA process. FHWA has undertaken these streamlining measures pursuant to this project's coverage under Executive Order 13274 for Environmental Stewardship and Streamlining; however, we are committed to complying with all federal laws, including Section 106.



FHWA and its partner governments (Riverside County Transportation Commission [RCTC] and California Department of Transportation [Caltrans]) are taking their responsibilities to consult with the Indian Tribes on this project very seriously. I think that the consultation effort to date has been exemplary, albeit expedited at times. During the MCP Phase I Identification Survey, a total of 20,000 acres were surveyed and over 600 cultural resources were identified. The area of potential effects (APE) for the various design alternatives of the MCP project was reduced to just less than 8,000 acres in size and contains a total of 96 cultural resources. Through the consultation that began in 2004 between Pechanga and RCTC, Pechanga has played a key role in decisions on alignment options and site preservation issues, including numerous meetings to discuss the Cajalco Creek Site (P-33-13791). Going back to RCTC's meeting with you and other Pechanga Tribal members in August 2004, RCTC listened to concerns regarding the cultural importance of this site to the Tribe. Consequently, RCTC searched for different alternatives for avoiding or minimizing effects to this site, which were then reviewed by the Pechanga Tribal Council. Ultimately, the importance of this site to Pechanga was one key factor in RCTC's decision to select Alternative 9 as their locally preferred alternative. Alternative 9 is the only alternative that fully avoids the Cajalco Creek Site. As the lead agency for the United States Government on this project, FHWA seeks to continue to work with the Tribe in the same spirit of cooperation that led to the avoidance of the Cajalco Creek site.

With the distribution of the Draft AEP (sent to all Tribes on September 25, 2007), two meetings were arranged (on October 5 and October 11, 2007) to explain the content of and methods included within the Draft AEP, to hear comments from the Tribes, and to answer any questions or address any concerns that the Tribes may have. Comments received from Tribes during the October 5, 2007, meeting were expeditiously considered and addressed with draft language that was circulated at the field meeting on October 11, 2007. Although Pechanga was not represented at the October 5, 2007, meeting, a representative of LSA Associates, Inc. (LSA) contacted Pechanga after the meeting in order for the Tribe to understand what had been discussed. In addition, several additional attempts (telephone and e-mail) have been made to solicit a response from all of the interested Tribes, and we have attempted to address all specific concerns that have been expressed about the Draft AEP.

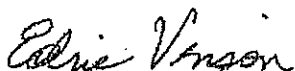
The agencies (FHWA, Caltrans, and RCTC) arranged for a representative from both the Advisory Council on Historic Preservation and for the State Historic Preservation Officer (SHPO) to be present at the October 11, 2007, field meeting in order for the Tribes to be able to express their concerns about the MCP project. A direct result of the October 11, 2007, field meeting was that the agencies, in the spirit of early and ongoing consultation, decided to send out a copy of the Preliminary Draft MCP XPI Survey Report for preliminary review by the interested Indian Tribes, even though this report is still under review by FHWA, Caltrans, and RCTC. Although this report is currently under review, we have all been kept apprised of which XPI sites would be moving forward into the archaeological evaluation program based on what was recovered during the XPI survey, and which sites are not advancing; these criteria were clearly explained in the XPI Survey Proposal. During the XPI survey, weekly e-mail updates were sent to the Tribes by LSA that documented the types of artifacts that were found at sites that contain a subsurface deposit. Sites without a subsurface component were also documented in these e-mails. The XPI report is a culmination of the fieldwork and consultation for this phase of the project, and all findings that were sent out in the e-mail correspondence are reported within. Any feedback that was received from the Tribes during or after the XPI fieldwork is reflected in the XPI Survey Report. Monitoring of the XPI survey work by Tribal representatives is a form of consultation that afforded a great opportunity for both the Tribes and agencies to learn more about the MCP sites and to comment while the work was in progress. We are confident that the Tribes will find that the November 26, 2007, date, which allows the Tribes a 40-day review period, is sufficient time for the Tribes to offer comments on this document.

A critical part of Section 106 consultation is the determinations of eligibility and the findings of effect. FHWA, Caltrans, SHPO, and RCTC agreed during the October 11, 2007, field meeting to sit down in a meeting with the Tribes as part of the discussions about MCP determinations of eligibility and findings of effect. This unprecedented offer is being made to the Tribes as an example of the innovative measures the agencies are willing to undertake to expedite this project, while fully considering the impacts of priority projects under the Executive Order. This meeting will be scheduled for the latter part of December 2007, after the Phase II excavations are completed. In addition to this meeting, we will be seeking Tribal input and consultation throughout all phases of the archaeological evaluation fieldwork. As with the XPI fieldwork, any feedback from the Tribal monitors on Phase II will be reflected in the Archaeological Evaluation Report, and will help us all to become more confident in our ability to have meaningful discussions on the determinations of eligibility and findings of effect on the tested sites.

The MCP is a large and complex project. The schedule must continue to move forward as prioritized by the Executive Order 13274 for Environmental Stewardship and Streamlining. The reports for the project are compliant with Federal and State requirements, as applicable, and there is a quality assurance/quality control process that ensures the highest standards as we proceed through our National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), and California Environmental Quality Act (CEQA) requirements. Please be assured that decisions *are not* being made that preclude Tribal input and meaningful consultation. In fact, the contributions from the Tribes thus far have led us to a much more environmentally sound alternative, one that is supported or accepted by all of the agencies with whom we consult. I acknowledge the Tribes for that. Additionally, fieldwork that was originally slated to begin on October 15, 2007, has been postponed to November 5, 2007. With the extension of this start date to allow for more time for you to review the Draft AEP, the XPI Survey Report, and the scope of work for completing monitoring agreements, we hope we have successfully addressed your concerns.

The FHWA and other partner agencies on the MCP project encourage continued open-ended dialog among all interested parties on this project as well as full consideration of all of the archaeological sites. Please feel free to contact me at (949) 253-7959 or any of the project representatives at any time.

Sincerely,



Edrie Vinson  
Senior Environmental Specialist

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## U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814

IN REPLY REFER TO  
HDA-CA  
File # FHWA-CA-EIS-04-01-D  
Document #

October 30, 2007

Mr. Adrian Morales  
San Gabriel Band of Mission Indians  
2077 East Greenhaven St.  
Covina, CA 91724

Subject: Mid County Parkway Archaeological Testing Program

Dear Mr. Morales:

The Federal Highway Administration (FHWA) values the comments received from the San Gabriel Band of Mission Indians (Gabrieleno) regarding the Mid County Parkway (MCP) Draft Archaeological Evaluation Proposal (AEP). From the comments made at the meetings on October 5 and 11, 2007, and from your e-mail (from Adrian Morales received on October 25, 2007), I understand that the Gabrieleno requests further consultation on the following issues:

- The proposed Phase II work plan methods provided in the Draft AEP including the use of Shovel Test Pits (STPs) to determine National and California Register site significance, and the percentage amount of the site being tested;
- The curation plan for the artifacts collected during the Phase II work;
- A reasonably accurate determination of the presence of human remains on the sites during the Phase II; and
- That the consultants on this project, LSA Associates, Inc. (LSA) not minimize the significance of the Phase II sites.

As far as archaeological field methods are concerned, we agree with you that STPs are a great way to determine site boundaries. In addition, they can be helpful indicators of the densest portions of the investigated site; based on the density of material found (or not found) within an STP, they can often aid in the placement of larger test excavations units. As written in the Draft AEP, this is how the STPs will be used: for boundary testing and aiding in the placement of excavation units; not to determine overall site significance. In order to gather an adequate sample for site testing and evaluation we propose to use a series of 1 x 1 m units.



The Phase II evaluations of the MCP sites are being conducted to determine whether these sites are eligible for the National Register of Historic Places (NRHP) and whether they are historical resources under California Environmental Quality Act (CEQA). FHWA, Caltrans, RCTC, the Advisory Council on Historic Preservation (ACHP), and the State Historic Preservation Office (SHPO) all discourage unnecessary excavation of archaeological sites both because of costs and to avoid impacts to sites that would otherwise not be affected. In that manner, we feel that the types of testing methods and the quantities of excavations that are proposed in the AEP are at an appropriate level for a Phase II investigation.

Site significance is evaluated based on a number of factors that can play very important roles in applying the four NRHP criteria: the types of artifacts recovered, the density of the artifacts encountered, the integrity of the site (that is, how well preserved the cultural deposit is), the ability to temporally place the site, the potential to yield important data, the presence of human remains, and tribal input received during project consultation. We agree with your concern about accurately determining early on the presence of human remains on the MCP sites whenever possible. We believe that the AEP presents a plan for excavation that may help to signal the presence of human burials on each site, although it will always be difficult to predict the presence of singular burials. We appreciate your input about the location of burials and cremations in and around habitation, multi-use, and possibly milling sites.

It is the shared responsibility of FHWA, California Department of Transportation (Caltrans), and Riverside County Transportation Commission (RCTC) in consultation with the Tribes to create, execute, and determine eligibility on the sites that are being tested on the Mid County Parkway. LSA is a consultant to RCTC. Under the authority of FHWA, Caltrans professionally qualified staff (PQS) review all proposals and reports to ensure compliance with all applicable state and federal requirements. Recommendations will start with LSA, but the determinations of eligibility and the findings of effect are ultimately determined by the agencies with input from the Tribes. Please note that FHWA, Caltrans, SHPO, and RCTC agreed during the October 11, 2007, field meeting to sit down in a meeting with the Tribes as part of the discussions about MCP determinations of eligibility and findings of effect. In addition to this meeting, we will be seeking Tribal input and consultation throughout all phases of the archaeological evaluation fieldwork.

We appreciate the thoughtful comments that we have received from the Tribes on the Draft AEP. After the distribution of the Draft AEP (sent to all interested Tribes on September 25, 2007), two meetings were arranged (on October 5 and October 11, 2007) to explain the content of and methods included within the Draft AEP, and to answer any questions or address any concerns that the Tribes may have. Comments received from Tribes during the October 5, 2007 meeting were considered and addressed with draft language that was circulated at the meeting on October 11, 2007. In addition, several additional attempts (telephone and e-mail) have been made to solicit a response from all of the interested Tribes, and we have attempted to address all specific concerns that have been expressed about the Draft AEP. We have recently set up a third meeting on November 2, 2007, between the agencies and the Tribes to offer another forum for you to be able to ask questions and discuss your concerns. We hope that you will be able to attend this meeting.

We assure you that a curation agreement will be worked out that will attempt to take into account all Tribe's concerns, including the issue of access, ownership and ultimate disposition of artifacts. As we work towards a curation agreement for the MCP artifacts, we will continue to work with Tribes to ensure that their voices are heard on the issues of curation. As discussed on October 5 and 11, 2007, we are considering the use of the Western Center for Archaeology and Paleontology for curation of artifact; as requested by the Tribes, we have arranged for a tour of the facility on November 2, 2007.

The MCP is a large and complex project and we thank you for your continued involvement and participation. The schedule must continue to move forward as prioritized by the Executive Order 13274 for Environmental Stewardship and Streamlining. The reports for the project are compliant with Federal and State requirements, as applicable, and there is a quality assurance/quality control process that ensures the highest standards as we proceed through our NHPA, NEPA, and CEQA requirements. The FHWA and the partner agencies on the MCP will continue to make a reasonable and good faith effort to consult with the Tribes, and I would like to encourage an open-ended dialog between all interested parties. Please feel free to contact me at (949) 253-7959 or any of the project representatives, at any time.

Sincerely,

*Edie Venson*

*for*

Gene Fong  
Division Administrator

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**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA 95814

May 9, 2008

IN REPLY REFER TO

**HDA-CA**

File # 8-RIV- Mid County Parkway

Document #58359

**CERTIFIED RETURN RECEIPT REQUESTED:**

Mr. Milford Wayne Donaldson, FAIA

State Historic Preservation Officer

Office of Historic Preservation

P.O. Box 942896

Sacramento, CA 94296-0001

Dear Mr. Donaldson:

**SUBJECT:** Phased Evaluation and Finding of Effect under Section 106 for the Mid County Parkway Project, Riverside County, California

The Federal Highway Administration (FHWA), the Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct the Mid County Parkway (MCP), located in Riverside County, California. This project is listed on the national priority list for environmental stewardship and streamlining pursuant to Executive Order 13274. FHWA has been working closely with its agency partners to seek ways to streamline the environmental review process in innovative ways while fully complying with all environmental laws and regulations. In cooperation with RCTC and Caltrans, FHWA has preliminarily identified a preferred alternative (Alternative 9) which would be identified as such to the public in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

In March 2007, FHWA initiated consultation with the State Historic Preservation Officer (SHPO). On May 23, 2007, FHWA, SHPO, Caltrans, and RCTC met to discuss phasing the evaluation and finding of effect for this project. In addition to providing the status of the efforts completed to date, describing the efforts currently in progress, and the describing the efforts anticipated in the future, this letter also supplements our letter of August 13, 2007 in which the FHWA requested formal concurrence with the phased evaluation and finding of effect for Alternative 9 of the MCP.

FHWA is the lead federal agency for the project and is responsible for compliance with Section 106 of National Historic Preservation Act (NHPA, 36 CFR Part 800). The Section 106 Programmatic Agreement (PA) between the FHWA, the Advisory Council on Historic Preservation (ACHP), SHPO, and Caltrans applies to this project. To date, efforts to identify

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historic properties that may be affected by the undertaking include the completion of an archaeological survey, an Extended Phase I Survey (XPI), and historic resources survey of all project alternatives (Alternatives 4, 5, 6, 7, and 9). Additionally, a Phase II study has been conducted for Alternative 9. During this process, FHWA has consulted and sought input from Indian Tribes and historical groups. These efforts have been documented in the following reports:

- Archaeological Survey Report (ASR)
- Extended Phase I Survey Report (in preparation)
- Historic Resource Evaluation Report (HRER)
- Preliminary Determination of Eligibility/Finding of Effect (in preparation)

In accordance with 36 CFR 800.4(b) (2) and 800.5(a) (3) and Section XII of the PA allow for phasing the identification, evaluation, and finding of effect processes. FHWA desires to phase the evaluation and finding of effect (FOE) stage of the Section 106 process.

FHWA proposes to limit the archaeological evaluation and effects findings to Alternative 9. This information along with a Draft APE map, Draft ASR, Draft XPI Proposal, Draft HRER, and site records of specific sites within all project alternatives that were deemed potentially eligible sites to the National Register of Historic Places (NRHP) was shared with Mike McGuirt (formerly of your staff) in May 2007. In the May 23, 2007 meeting, FHWA, SHPO, Caltrans, and RCTC tentatively agreed Alternative 9 was the least impacting to potential historic properties and that the archaeological evaluation and effects findings would be limited to Alternative 9 (see attached meeting summary).

As the fieldwork and report preparation for the XPI were being completed, LSA Associates, Inc. prepared an Archaeological Evaluation Proposal (AEP) for the nine archaeological sites proposed for Phase II study and excavation. This approach allowed the archaeological evaluation to proceed so that the project Draft EIR/EIS will be able to present a preliminary, yet valid, FOE for archaeological resources. In order to accommodate to the project schedule, it was also agreed during the May 23, 2007 meeting that a memorandum combining the preliminary determination of eligibility (DOE) and the preliminary finding of effect (FOE) would be prepared shortly after fieldwork for the Phase II study was concluded.

Archaeological fieldwork associated with the MCP Phase II study occurred from November 12 to December 13, 2007 and the draft DOE/FOE memorandum is nearing completion. As proposed, the draft DOE/FOE will be the basis for the findings presented in the Draft EIS/EIR, scheduled for circulation to the public in late spring, 2008. In the meantime, the formal archaeological analysis and the Archaeological Evaluation Report (AER) will be drafted. All Section 106 responsibilities for Alternative 9 will be completed prior to issuance of the Final EIR/EIS and approval of the federal Record of Decision (ROD), expected around December 2008.

FHWA requests your formal concurrence with this approach as indicated by Mike McGuirt in the meeting held on May 23, 2007. FHWA looks forward to our continuing cooperation on this very important streamlining project. Please contact Shawn Oliver at (916) 498-5048, email [shawn.oliver@fhwa.dot.gov](mailto:shawn.oliver@fhwa.dot.gov) or Stephanie M. Stoermer of our Resource Center at (720) 963-3218 if you have any questions or comments.

Sincerely,

*/s/Larry Vinzant*

For  
Gene K. Fong  
Division Administrator

Enclosure

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U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
May 16, 2008

IN REPLY REFER TO  
HDA-CA

File # 08-RIV, Mid County Parkway  
Document # P58360

Laura Miranda, Deputy General Counsel  
Pechanga Indian Reservation  
Temecula Band of Luiseno Mission Indians  
Post Office Box 1477  
Temecula, Ca 92593

Dear Ms. Miranda:

**SUBJECT:** Response to Pechanga Tribe Comment Letter on Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway Project

The Federal Highway Administration (FHWA) would like to thank the Pechanga Tribe (Pechanga) for their January 25, 2008 letter and comments on the Mid County Parkway (MCP) Preliminary Recommendations of Eligibility and Level of Effects memorandum distributed to the Pechanga on December 14, 2007. The Pechanga comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and will be incorporated into the revised draft version of the memorandum. This letter addresses several comments in the letter from Pechanga that warrant additional clarification.

**General Comments:**

Several comments provided by the Pechanga recommend a regional approach and analysis. Please be assured that a regional approach to the evaluation phase of analysis is being applied. This methodology is stated in the Archaeological Evaluation Proposal (AEP) distributed to the Pechanga on September 25, 2007. Because the analysis of the Phase II studies is continuing, the regional analysis is currently in progress and will be contained in the Archaeological Evaluation Report (AER), which has not yet been completed.

Another concern expressed in several comments is the need to address possible indirect effects from the MCP on cultural resources. Indirect effects to cultural resources are being considered and will be addressed in the relevant technical reports. The analysis of indirect project effects on rock art will include visual simulations of the MCP in relation to specific cultural resources.

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## Specific Comments

- *On Page 6 of the Pechanga comments, the third sentence of the third complete paragraph states: "The dispersion of quartz and metavolcanic quarries in the area is not surprising for us because the material was required for religious purposes."*

Two quarry locations have been recorded within the MCP Area of Potential Effects (APE). For both quarry locations, a geologist with a specialty in mineralogy has made the source material identification. One of these quarry sites, CA-RIV-1512, contains an igneous type of rock determined to be porphyritic monzogranite. The other site, CA-RIV-1650, contains a metasedimentary material identified specifically as quartzite. Neither of the quarries contains quartz crystal, quartz crystalline or metavolcanic material types.

- *On Page 12 of the Pechanga comments, the first sentence of the second complete paragraph states: "In addition, there were two (2) burials of Native American human remains found in this area during development of a different project, known as the Inland Feeder Project."*

The report for the Inland Feeder Project has not yet been published (it is currently in review with Metropolitan Water District). However, verbal and email communication with that project's cultural resources consultant, Applied Earthworks, Inc. confirms that human remains were not discovered during that project. Please see attached email communication.

- *On Page 14 of the Pechanga comments, the fifth sentence of the first incomplete paragraph states: "The Tribe has been told that because the cupule boulders are outside of the Project ROW, they will not be incorporated into the project data."*

At the request of the Pechanga tribe, LSA Associates, Inc. (LSA) agreed to assess nine outcrops near the APE for the Mid County Parkway project identified by the Tribe as containing possible cupules. An initial field visit resulted in the opportunity for LSA archaeologists and Native American cultural resources specialists and monitors to visit these locations in the first week of January, 2008 and to jointly discuss the possible cultural or natural status of the surface treatment of the rock boulders at the different locations.

Following the field visit with the Native American representatives, LSA met with Caltrans District 8 archaeologists Dr. Karen Swope and Gabrielle Duff to go over photographs of the boulder treatment on the nine outcrops. To further respond to the tribal request, LSA also requested that Dr. Swope and Ms. Duff accompany MCP Principal Investigator Nina Delu and Co-Principal Investigator Dr. Frederick W. Lange on a field visit to the various proposed cupule locations. Points 7, 8, and 9 (see attached map) were considered the most important to assess in terms of their location with regard to proximity and view sheds from the proposed APE. Both Caltrans and LSA archaeologists agreed that since the area was a geologically active landscape that it would be important to have LSA's Geologist Robert E. Reynolds visit the location to investigate the possible cupules from a geological perspective.

3

The visit with Geologist Robert E. Reynolds, LSA Principal/Archaeologist Curt Duke, and the Co-Principal Investigator, Dr. Lange, was completed on February 26, 2008. They revisited three outcrops recorded as containing possible cupules near the Mid County Parkway Project (the above referenced Points 7, 8, and 9). This is the first time in southern California that there has been a detailed geological field examination of outcrops containing cupule-like depressions and a collateral analysis of the geological setting of the outcrops and the seismic events and geological processes that have affected the exposed outcrops.

Mr. Reynold's geological interpretation is that all cupule-sized depressions examined were natural — a result of subaerial erosion by percolation of acidic ground water at a pre-late Pleistocene time when granitic boulder outcrops of the Perris Block were buried under granitic gruss and colluvium. None of the proposed cupules at these locations could be demonstrated to be cultural in origin, since the grains of quartz and feldspar in the cupule-sized depressions did not exhibit marks of abrasion or fracturing of mineral grains. When examined with a 10x hand lens, the proposed cupules failed to show abrasion on exposed grains. In contrast, culturally produced smoothing on nearby milling slicks showed abrasion and fracturing of mineral grains (often referred to by ground stone specialists as "shearing"), and produced a surface that is orders of magnitude smoother than that inside the cupule-sized depressions. Furthermore, the same level of analysis was conducted at two cupule sites in the region: 33-16598 (within the APE) and 33-62 (not within the APE). All of the cupules located at sites 33-16598 (approximately 200 cupules total) and 33-62 (approximately 10 cupules) demonstrate trace evidence of grinding that are notable to the touch; the grinding slicks within the cupules are visible without magnification, and under magnification show abrasion and that the mineral crystals have been sheared from the act of grinding.

Mr. Reynold's interpretation is that all depressions below the boulder lip (overhang) at the three locations (Points 7, 8, and 9) were caused by the interaction of acidic ground water loosening mineral grains in the boulders while the now exposed faces were buried underground at a time thousands of years ago. The approximate original ground level that covered the now exposed face is calculated as being at the boulder lip. Reddish-brown iron and manganese oxides exposed below the lip suggest sub aerial "armoring" of the boulder surface by ground water percolation while buried. After exposure of faces below the lip by erosion, exfoliation of the dark, armored surface produces "fresh" surfaces whose light color contrasts with the dark oxide coloration. Based on the data collected, none of the cupule-sized depressions at these three points show evidence of being made, used, or altered by cultural activity.

- *On Page 14 of the Pechanga comments, the second sentence of the second complete paragraph states: "The Tribe has requested information and maps of the sites in the area from LSA, but has been told that there is no such information to provide."*

In an email dated January 18, 2008, LSA Principal Investigator Nina Delu informed Anna Hoover, Pechanga Cultural Resource Specialist, that based on the history of the project, the Riverside County Transportation Commission (RCTC, Project Proponent) has a practice of not sharing MCP specific GIS data until the Draft Environmental Impact

Report/Draft Environmental Impact Study (DEIR/DEIS) goes to public review. RCTC expressed that they would like to remain consistent with this protocol with regards to the Pechanga request for data. LSA offered to facilitate the transfer of all the site shapefiles to Pechanga once the DEIR/DEIS is in public review. Please see the attached email communication.

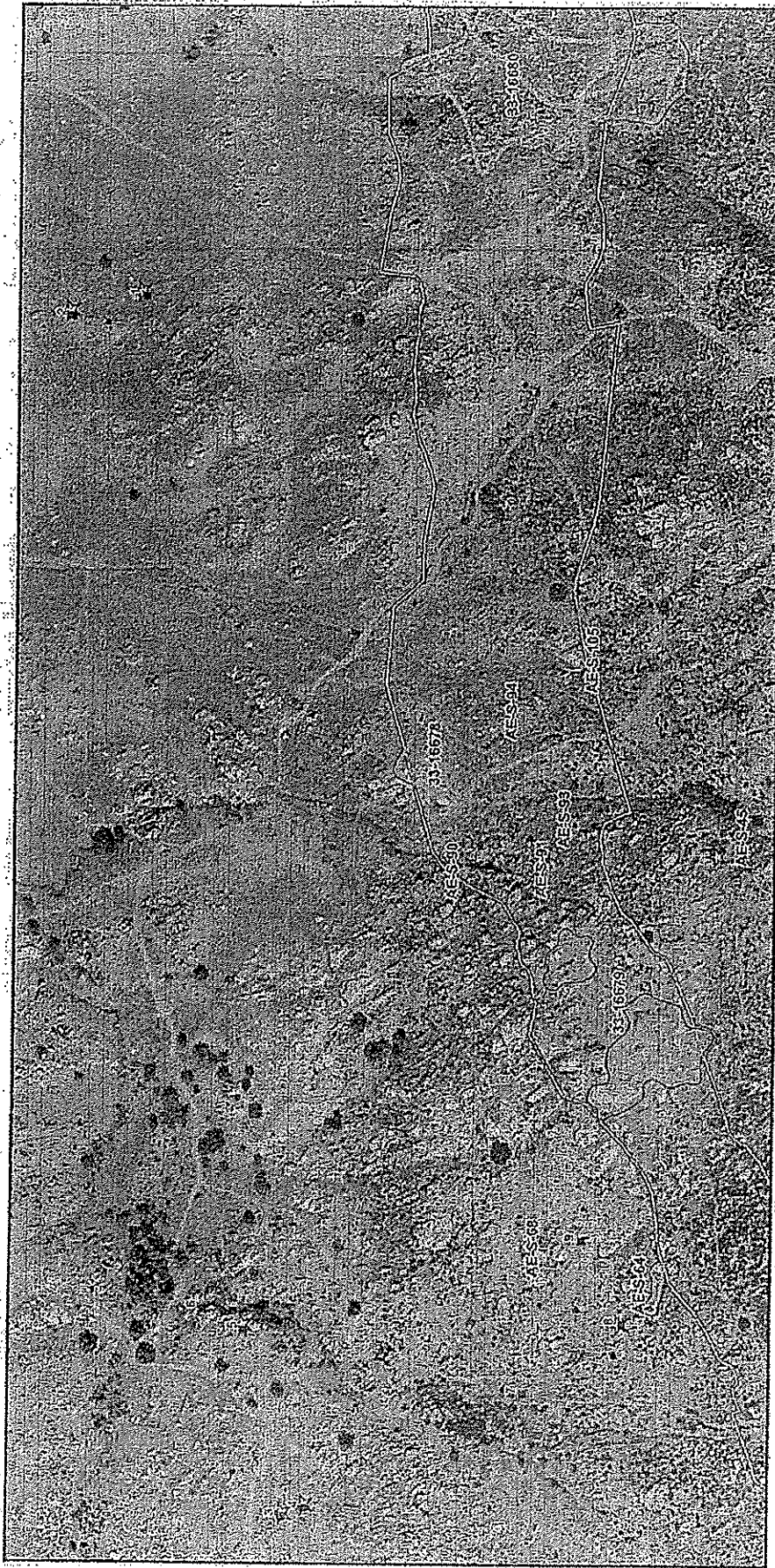
We hope this helps to clarify some of the issues and concerns in your comment letter. As stated above, specific comments provided by the Tribes have been addressed in a revised draft of the memorandum. FHWA would like to thank you for your commitment to the Native American consultation being conducted for this project. Please contact Shawn Oliver at (916) 498-5048, email [shawn.oliver@fhwa.dot.gov](mailto:shawn.oliver@fhwa.dot.gov), or Stephanie M. Stoermer at our Resource Center at (720) 963-3218 if there are any questions or additional comments.

Sincerely,



For  
Gene K. Fong  
Division Administrator

Enclosures



Pre-Declarative Draft  
Not for Public Circulation

Right of Way (Alternative 2)  
Area of Potential Effects (APE)  
Site Boundary  
Locust Boundary

Capule Data Collected by Techang (collected during Phase II)  
Capule Data Collected by ESA (collected 1/10/2008)

Source: Aerial Photo (2007), Techang Engineering (2007), LMA (2007)  
Scale: 0' 62.5' 125' 250' 500'  
North Arrow  
ENCLOSURE, Final/Alternative 2/2007 Final/Enclosure, Appendix, Appendix 4 (1/13/2008)



**From:** Anna Hoover [ahoover@pechanga-nsn.gov]

**Sent:** Friday, January 18, 2008 3:34 PM

**To:** Nina Delu

**Cc:** Curt Duke; Rob McCann; Laura Miranda

**Subject:** RE: Ground truthing data

Nina,

Thank you for addressing our questions. We will continue these comments into our letter which will be submitted next week.

Thank you!

Have a good weekend too!

*Anna M. Hoover*

Cultural Analyst

Pechanga Cultural Resources Department

P.O. Box 2183

Temecula, CA 92592

951.308.9295 (O)

951.770.8104 (D)

951.757.6139 (C)

951.694.0446 (F)

[ahoover@pechanga-nsn.gov](mailto:ahoover@pechanga-nsn.gov)

---

**From:** Nina Delu [mailto:Antonina.Delu@lsa-assoc.com]

**Sent:** Friday, January 18, 2008 3:21 PM

**To:** Anna Hoover

**Cc:** Curt Duke; Rob McCann

**Subject:** RE: Ground truthing data

Hi Anna--

I have some answers for you on your requests from the other day.

I will not be able to send anything out to Pechanga about the nature of the changes in the memo recommendations. This is mainly because before distributing any of my changes to the Tribes, I need to go through several reviews, including both peer QA/QC and agency review. Under the schedule that we are attempting to meet right now, agency review will be a 30 day time period starting at my submittal of revisions at the end of the month. Once I address agency comments, and they "sign off" that their comments have been addressed, we will then distribute the revised memo to the Tribes. This should hopefully happen in March. I encourage you to carry on with the comments that you are working on, with the understanding that I may have already made the same (or similar) changes.

As far as your request for electronic or hard copies of all of the sites from the Phase I

survey...you should already have a hard copy of the APE map with the locations of the sites. We do not have any maps created of all of the sites found during the survey (that would be a huge map and a huge undertaking), they exist in the LSA/RCTC GIS database only. So, I just got off the phone with Cathy Bechtel (RCTC) to discuss your request for electronic site data. Based on the history of the project, RCTC has had a practice of not sharing MCP specific GIS data (engineering or other) with anyone until the DEIR/DEIS goes public this spring. RCTC has expressed that they would like to remain consistent with this protocol with the Pechanga request for data. In springtime, once the draft goes out to the public, LSA will be happy to set up our GIS people with your GIS people to get all of the site shapefiles to Pechanga. Hopefully this works for you guys, since we are only a few months away from going public!

Have a good weekend. Talk to you soon.

Nina

---

**From:** Anna Hoover [mailto:ahover@pechanga-nsn.gov]

**Sent:** Wed 1/16/2008 9:08 AM

**To:** Nina Delu

**Subject:** RE: Ground truthing data

Good Morning!

Since everyone seems to be asking for things, I was wondering if it might be possible to ask for some data too. First, you had mentioned in the field you were possibly changing the determinations of a couple of sites (-1512, -1650 (?) and -44/-16687). Will we be getting a memo on that soon? Second, I think I asked you before but I can't remember. Can we please get a map (electronic and/or hard) of all the sites that were recorded on all the alignments during the Phase I survey? I understand if you need to take a little time to clear this with the powers that be but if we could get a copy of those sites, it would be really appreciated.

Thank you!!!

*Anna M. Hoover*

Cultural Analyst  
Pechanga Cultural Resources Department  
P.O. Box 2183  
Temecula, CA 92592

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951.757.6139 (C)

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[ahover@pechanga-nsn.gov](mailto:ahover@pechanga-nsn.gov)

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**From:** Nina Delu [mailto:Antonina.Delu@lsa-assoc.com]

<https://fhxdrowa.fhwa1.fhwa.dot.gov/exchange/Sstoermer/Inbox/...18C0-4a97-9AF2-036E93DDAFB3/Hoover-Delu%20e-mail.htm?attach=1>

**Sent:** Tuesday, January 15, 2008 2:48 PM

**To:** John Gomez; environmental@cahuilla.net; culturalresources@cahuilla.net; adrian morales; Paul Macarro; Anna Hoover; samdunlap@earthlink.net; jhamilton@ramonatribe.com; Darren Hill; Britt Wilson

**Cc:** Karen Swope; Gabrielle Duff; Cathy Bechtel; Gustavo Quintero; Brett Gainer@fhwa.dot.gov; tay.dam@fhwa.dot.gov; Nancy Bobb@fhwa.dot.gov; Landry, Charles; Terri Fulton; Curt Duke; Rob McCann

**Subject:** RE: Ground truthing data

Hi Everyone-

I have attached a map here that shows the proposed cupule data that LSA shot in last week with several Tribal Representatives from Pechanga, Ramona, Cahuilla, and Morongo. The GPS points that LSA shot in last Thursday are shown as red squares on the map, and the yellow stars are the proposed cupule locations that Pechanga sent RCTC/LSA in UTM form. Two of the locations recorded by Pechanga consisted of an outcrop with one or two milling slicks, not cupules (I labeled one of them as #6 on the map, and the other we did not visit since Pechanga told us that it was a milling slick on an outcrop and it was within a recorded site [AE-S-45]-represented by a yellow star south of Alt 9 ROW). We want to thank everyone for this productive day of site visits!

I would like to take the opportunity to remind all of you to send in your comments on the Preliminary Recommendations of Eligibility and Level of Effects memorandum by January 25, 2008.

As always, feel free to contact me with any questions or comments.

Thanks!

Nina

**Nina Delu, M.A., RPA**

**Archaeologist/Senior Cultural Resource Manager**

**LSA Associates, Inc.**

**20 Executive Park, Suite 200**

**Irvine, CA 92614**

**949-553-0666 - OFFICE**

**949-337-6108 - CELL**

**949-875-1077 - FAX**

---

**From:** John Gomez [mailto:pechangajg@msn.com]

**Sent:** Monday, January 14, 2008 9:50 AM

**To:** Nina Delu; environmental@cahuilla.net; culturalresources@cahuilla.net; adrian morales; Paul Macarro; Anna Hoover; samdunlap@earthlink.net; jhamilton@ramonatribe.com; Darren Hill; Britt Wilson

**Cc:** Rob McCann; Curt Duke; Terri Fulton; Karen Swope; Gabrielle Duff; Cathy Bechtel; Gustavo Quintero; Landry, Charles

**Subject:** RE: Ground truthing data

<https://fhxdrowa.fhwa1.fhwa.dot.gov/exchange/S...036E93DDAFB3/Hoover-Delu%20e-mail.htm?attach=1> (3 of 4) [5/9/2008 11:57:17 AM]

Nina:

Would you please forward a copy of the map that we reviewed and used during the ground truthing project last Thursday? Thanks.

John A. Gomez, Jr.  
Ramona Band of Cahuilla Indians

---

Subject: Ground truthing data

Date: Mon, 7 Jan 2008 12:17:06 -0800

From: Antonina Delu@lsa-assoc.com

To: environmental@cahuilla.net; culturalresources@cahuilla.net; kasatongva@verizon.net;  
pmacarro@pechanga-nsn.gov; ahoover@pechanga-nsn.gov; samdunlap@earthlink.net; pechangaig@msn.  
com; jhamilton@ramonatribe.com; dhill@soboba-nsn.gov; britt\_wilson@morongo.org  
CC: Rob.Mccann@lsa-assoc.com; Curt.Duke@lsa-assoc.com; Terri.Fulton@lsa-assoc.com;  
karen\_swope@dot.ca.gov; gabrielle\_duff@dot.ca.gov; cbechtel@rctc.org; gquintero@bec-riv.org; Charles.  
Landry@jacobs.com

For anyone interested, LSA and representatives from Pechanga will be going out this Thursday to ground truth the GPS cupule data collected by Pechanga. We will not be doing anything other than relocating the proposed cupule locations, taking GPS shots to sub-meter accuracy, and doing some basic photo documentation. If you would like to join me, please e-mail me back directly to let me know that you plan on meeting up with me (so that I know whether or not to wait for you!).

We will be meeting at the normal cul-de-sac meet up spot near the Circle K/Jack in the Box--Harvill and Dree Circle at 11:30am. A four-wheel drive vehicle is a must for this visit. I do not anticipate that it will take more than 2 hours to visit the various locations.

<https://fhxdrowa.fhwa1.fhwa.dot.gov/exchange/Sstoermer/Inbox/...C0-4a97-9AF2-036E93DDAFB3/AE%20response%20email.html?attach=1>

**From:** Melinda Horne [mhorne@appliedearthworks.com]  
**Sent:** Tuesday, February 12, 2008 3:23 PM  
**To:** Terri Fulton  
**Subject:** RE: quick MCP related question  
Sure!

---

**From:** Terri Fulton [mailto:Terri.Fulton@isa-assoc.com]  
**Sent:** Tuesday, February 12, 2008 3:34 PM  
**To:** Melinda Horne  
**Subject:** RE: quick MCP related question

One more thing -do you mind if we refer to this email when we respond to the comment? Thanks!

---

**From:** Melinda Horne [mailto:mhorne@appliedearthworks.com]  
**Sent:** Wednesday, January 30, 2008 3:16 PM  
**To:** Terri Fulton  
**Subject:** RE: quick MCP related question

None were found on the IFP, only Eastside!

Melinda

---

**From:** Terri Fulton [mailto:Terri.Fulton@isa-assoc.com]  
**Sent:** Wednesday, January 30, 2008 3:26 PM  
**To:** Melinda Horne  
**Subject:** quick MCP related question

Hi Melinda -

Long time! Hope your New Year is off to a good start =)

We are working on some Tribal comments for MCP and one refers to Native American human remains found on the Inland Feeder Project (which I worked on!). I don't remember this, but I'm sure there were other phases that I wasn't a part of. Can you please help with this? Were there human remains on the Inland Feeder Project? Thank you for this information.

Cheers,

**Terri Fulton**  
**Archaeologist/Senior Cultural Resources Manager**  
**Native American Consultation**

<https://fhxdrowa.fhwa1.fhwa.dot.gov/exchange/SstGermer/Inbox/...C0-4a97-9AF2-036E93DDAFB3/AE%20response%20email.html?attach=1>

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Wireless: (949) 337-5454  
[terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com)

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**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

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(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov



June 27, 2008.

Gene K. Fong  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

RE: HAD-CA File # 8-RIV-Mid County Parkway Document #58359

Dear Mr. Fong:

As noted in your letter of May 9, 2008, in March 2007, Federal Highway Administration (FHWA) initiated consultation with my Office for the above cited undertaking. As the environmental process has proceeded, FHWA has kept my Office informed and updated on the status of the identification, evaluation and determining effects on historic properties efforts.

In accordance with sections 36 CFR 800.4(b) and 800.5(a)(3) of the Advisory Council on Historic Preservation Procedures and Section XII of the Programmatic Agreement, FHWA has requested my formal concurrence with a phased evaluation and finding of effect which would focus on the preferred alternative for the Mid County Parkway (MCP).

You have completed identification of cultural resources for all the undertakings' alternatives. As a result of these efforts, you have concluded that Alternative 9 will have the least adverse effects on historic properties and is your proposed preferred alternative. To minimize effects to other cultural resources, you have focused your evaluation efforts on historic properties which would be affected by Alternative 9. On May 23, 2007, my staff agreed in principal on this approach for phasing evaluation and determination of effects. You now request my formal concurrence with this approach. I so concur.

I look forward to concluding consultation for this undertaking. Please feel free to consult Susan Stratton or Dwight Dutschke of my staff as you proceed with consultation.

Sincerely,

*Susan K Stratton for*

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

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U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814  
July 31, 2008

IN REPLY REFER TO  
HDA-CA  
08-Riv-999  
Mid County Parkway  
Riverside County  
Document # P58571

Mr. Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

Dear Mr. Donaldson:

**SUBJECT: PRELIMINARY DETERMINATIONS OF ELIGIBILITY AND FINDING  
OF ADVERSE EFFECT FOR THE MID COUNTY PARKWAY PROJECT,  
RIVERSIDE COUNTY**

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Department) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 15 (I-15) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 32 miles. Section 106 activities to date for this project include a draft Archaeological Survey Report (ASR) and draft Historical Resources Evaluation Report (HRER), which document the identification of cultural resources within the project's Area of Potential Effects (APE) for all alternatives.

On May 23, 2007, a meeting between State Historic Preservation Officer (SHPO), FHWA, RCTC, and the Department, was held, during which a consensus was reached that FHWA would seek early consultation with the SHPO to request concurrence on a phased approach to the Section 106 process. In addition, it was agreed that FHWA would seek the SHPO's concurrence on preliminary draft determinations of eligibility and Finding of Effect, with the submittal of complete documentation to follow the public review of the draft Environmental Impact Study/Environmental Impact Report (EIS/EIR). In order to minimize effects to other cultural resources, FHWA requested that the SHPO concur on a phased approach to identification and evaluation of cultural resources. On June 27, 2008, the SHPO concurred with FHWA's request to proceed with a phased evaluation and finding of effect focusing on the preferred alternative (Alternative 9) for the MCP. As noted in the June 27, 2008 letter, FHWA has kept the SHPO informed and updated on the status of the identification, evaluation and determining effects on historic properties efforts. Enclosed are two (2) copies of the *Preliminary Recommendations of Eligibility and Levels of Effect* (DOE/FOE) report.

**MOVING THE**  
**AMERICAN**  
**ECONOMY**



In accordance with the January 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (PA), a preliminary Finding of Effect was prepared due to the identification of historic properties within the project area, which may be affected by the undertaking pursuant to Stipulation IX.B of the PA. A Historic Property Survey Report (HPSR) containing final determinations of eligibility and a Finding of Effect is currently in preparation and will be submitted to the SHPO for formal concurrence at a later date.

In total, 62 properties were evaluated in Alternative 9, 55 of which were determined ineligible for listing in the National Register of Historic Places (NRHP). (See enclosed document for details)

Four properties were determined eligible for listing in the NRHP:

- P-33-1512; Prehistoric quarry site
- P-33-1650/P-33-16687; Prehistoric quarry site
- P-33-16598; Prehistoric multi-use site containing rock art, cupules, rock shelters, midden, milling features; and
- P-33-16679; Prehistoric habitation site

Three properties are assumed eligible for the purposes of the current undertaking pursuant to Stipulation VIII.C.3 of the PA:

- P-33-1649; Prehistoric quarry site
- P-33-12230; Prehistoric habitation site ; and
- LSA-JCV531-S-207; Historic site containing three rock rings

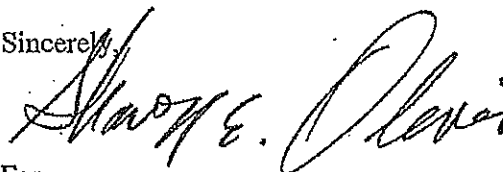
FHWA is considering these three sites to be eligible for the NRHP under Criterion D for the purposes of this undertaking without conducting subsurface testing or surface collection and will establish and enforce ESAs to ensure that there will be no adverse effects to the property as a result of the proposed undertaking pursuant to Stipulation X.B.2.a(ii).

At this time, FHWA is requesting a provisional concurrence on the preliminary determinations of eligibility, in accordance with Stipulation VIII.C.5 of the PA and 36 CFR 800.4(c)(2). FHWA is also consulting with the SHPO pursuant to Stipulation X.C.1 and 36 CFR 800.5(c) and seeks provisional concurrence on a preliminary finding of Adverse Effect for the project as a whole.

If you need additional information, please do not hesitate to contact Shawn Oliver FHWA Transportation Engineer, at (916) 498-5048, Jill Hupp, Caltrans Section 106 Coordination Branch Chief at (916) 654-3567, or Gabrielle Duff, Caltrans District 8 Associate Environmental Planner, Archaeology (909) 388-7034.

We look forward to your response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shawn E. Oliver". The signature is fluid and cursive, with the first name "Shawn" being the most prominent.

For  
Gene K. Fong  
Division Administrator

Enclosures: *Preliminary Recommendations of Eligibility and Level of Effects*

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**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

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www.ohp.parks.ca.gov



August 28, 2008

Gene K. Fong  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

RE: HAD-CA 08-Riv-999-Mid County Parkway Document #P58571; Preliminary  
Determinations of Eligibility and Finding of Adverse Effect

Dear Mr. Fong:

Thank you for requesting my comments on the above cited determinations. You seek my comments in accordance with the January 2004 *Programmatic Agreement among Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation*. My staff has reviewed the documentation you provided and I would like to offer the following comments.

You have requested my concurrence that four properties P-33-1512, P-33-1650/P-33-16687, P-33-16598 and P-33-16679 are eligible for the National Register of Historic Places. I concur with this determination. If for any reason, the final evaluation provides additional information which might change these determinations or other determinations, please once again seek my comments.

In addition, you seek my concurrence that the undertaking as a whole will have an adverse effect on historic properties. I so concur with this determination.

Finally, you have notified me that Federal Highway Administration proposes to assume eligibility of P-33-1649, P-33-12230 and LSA-JCV531-S-207 and will establish ESAs to ensure their protection. I wish to so note.

I look forward to concluding consultation for this undertaking. Please feel free to consult Susan Stratton or Dwight Dutschke of my staff as you proceed through the Section 106 process.

Sincerely,

*Susan K Stratton for*

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

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**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4045

FAX (909) 383-6494

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November 21, 2011

Joe Ontiveros  
Cultural Resource Director  
Soboba Band of Luiseño Indians  
P.O. Box 487  
San Jacinto, CA 92581

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Ontiveros:

Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near the Ramona Expressway, a distance of approximately 16 miles.

On behalf of the FHWA, we are distributing the draft Historic Property Survey Report (HPSR) for your review and comment. The full HPSR package that will be submitted to the State Historic Preservation Officer (SHPO) will consist of the HPSR summary document (Volume I); plus Attachments A through L of the HPSR (Volumes II, III, and IV). These attachments include documents, most of which, were previously provided for your review and comment in 2007. The revisions consisted of removing material that is no longer relevant to the modified MCP project, given its shorter project limits. No new archaeological resources have been added to the project. This draft HPSR package is included on the enclosed CDs.

The HPSR Attachments that are provided are:

- Attachment A: Maps (Map 1: Project Vicinity; Map 2: Project Location; and Map 3: Area of Potential Effects)
- Attachment B: Archaeological Survey Report
- Attachment C: Extended Phase I (XPI) (XPI Proposal Addendum; XPI Survey Report)
- Attachment D: Archaeological Evaluation Proposal
- Attachment E: Archaeological Evaluation Without Phase II Excavations Report (AEPER)
- Attachment F: Archaeological Evaluation Report (AER)

Mr. Joe Ontiveros  
November 21, 2011  
Page 2

- Attachment G: Historic Resources Evaluation Report (HRER)
- Attachment H: Preliminary Recommendations Of Eligibility And Level Of Effects (DOE/FOE) Report
- Attachment I: Prehistoric Department of Parks and Recreation Forms: Updated Sites and Newly Recorded Sites
- Attachment J: Caltrans Historic Bridge Inventory Sheets
- Attachment K: Native American Consultation Documentation
- Attachment L: Project Consultation Correspondence

In addition to the HPSR, a Findings of Effect (FOE) document is currently being prepared. The FOE will discuss a finding of an Adverse Effect for the MCP project for Site 33-16598. The FOE will be submitted for your review shortly following this draft HPSR.

FHWA respectfully requests to receive any comments you may have on the draft HPSR by January 2, 2012. Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about these documents at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Also, if you would like to receive a hard copy of any or all of the documents provided in the enclosed CD, please contact LSA. Government to government consultation questions and concerns should be directed to Stephanie Stoermer at FHWA at (720) 963-3218 or [Stephanie.Stoermer@fhwa.dot.gov](mailto:Stephanie.Stoermer@fhwa.dot.gov), or Gary Jones at Caltrans at (909) 383-4045 or [Gary\\_Jones@dot.ca.gov](mailto:Gary_Jones@dot.ca.gov).

Thank you again for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



GARY JONES  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure  
CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 21, 2011

Paul Macarro  
Cultural Resources Center  
Pechanga Band of Mission Indians  
P.O. Box 1477  
Temecula, CA 92593

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Macarro:

Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near the Ramona Expressway, a distance of approximately 16 miles.

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Mr. Paul Macarro  
November 21, 2011  
Page 2

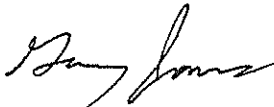
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In addition to the HPSR, a Findings of Effect (FOE) document is currently being prepared. The FOE will discuss a finding of an Adverse Effect for the MCP project for Site 33-16598. The FOE will be submitted for your review shortly following this draft HPSR.

FHWA respectfully requests to receive any comments you may have on the draft HPSR by January 2, 2012. Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about these documents at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Also, if you would like to receive a hard copy of any or all of the documents provided in the enclosed CD, please contact LSA. Government to government consultation questions and concerns should be directed to Stephanie Stoermer at FHWA at (720) 963-3218 or [Stephanie.Stoermer@fhwa.dot.gov](mailto:Stephanie.Stoermer@fhwa.dot.gov), or Gary Jones at Caltrans at (909) 383-4045 or [Gary\\_Jones@dot.ca.gov](mailto:Gary_Jones@dot.ca.gov).

Thank you again for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



GARY JONES  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure  
CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION  
DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 21, 2011

Michael Contreras Jr.  
Cultural Heritage Program Coordinator  
Morongo Band of Mission Indians  
12700 Pumarra Road  
Banning, CA 92220

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Contreras:

**Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)**

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near the Ramona Expressway, a distance of approximately 16 miles.

On behalf of the FHWA, we are distributing the draft Historic Property Survey Report (HPSR) for your review and comment. The full HPSR package that will be submitted to the State Historic Preservation Officer (SHPO) will consist of the HPSR summary document (Volume I); plus Attachments A through L of the HPSR (Volumes II, III, and IV). These attachments include documents, most of which, were previously provided for your review and comment in 2007. The revisions consisted of removing material that is no longer relevant to the modified MCP project, given its shorter project limits. No new archaeological resources have been added to the project. This draft HPSR package is included on the enclosed CDs.

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Mr. Michael Contreras Jr.  
November 21, 2011  
Page 2

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In addition to the HPSR, a Findings of Effect (FOE) document is currently being prepared. The FOE will discuss a finding of an Adverse Effect for the MCP project for Site 33-16598. The FOE will be submitted for your review shortly following this draft HPSR.

FHWA respectfully requests to receive any comments you may have on the draft HPSR by January 2, 2012. Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about these documents at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Also, if you would like to receive a hard copy of any or all of the documents provided in the enclosed CD, please contact LSA. Government to government consultation questions and concerns should be directed to Stephanie Stoermer at FHWA at (720) 963-3218 or [Stephanie.Stoermer@fhwa.dot.gov](mailto:Stephanie.Stoermer@fhwa.dot.gov), or Gary Jones at Caltrans at (909) 383-4045 or [Gary\\_Jones@dot.ca.gov](mailto:Gary_Jones@dot.ca.gov).

Thank you again for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



GARY JONES  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure  
CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 21, 2011

Anna Hoover  
Pechanga Cultural Resources Department  
Pechanga Band of Mission Indians  
P.O. Box 2183  
Temecula, CA 92593

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Ms. Hoover:

Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near the Ramona Expressway, a distance of approximately 16 miles.

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Ms. Anna Hoover  
November 21, 2011  
Page 2

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Thank you again for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



GARY JONES  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure  
CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION  
DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 21, 2011

Yvonne Markle  
Environmental Protection Officer  
Cahuilla Band of Indians  
P.O. Box 391760  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Ms. Markle:

**Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)**

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Ms. Yvonne Markle  
November 21, 2011  
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District Native American Coordinator  
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November 21, 2011

Luther Salgado Sr.  
Chairperson  
Cahuilla Band of Indians  
P.O. Box 391760  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Salgado:

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Mr. Luther Salgado Sr.  
November 21, 2011  
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GARY JONES

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Samuel Dunlap  
Tribal Secretary  
Gabrielino/Tongva Council/Gabrielino Tongva  
Nation  
P.O. Box 86908  
Los Angeles, CA 90086

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Dunlap:

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Mr. Samuel Dunlap  
November 21, 2011  
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November 21, 2011

Adrian Morales  
Cultural Resource Management  
Gabrieleno/Tongva San Gabriel Band of  
Mission Indians  
P.O. Box 693  
San Gabriel, CA 91778

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

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Mr. Adrian Morales  
November 21, 2011  
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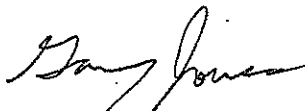
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November 21, 2011

John Gomez Jr.  
Cultural Resources Coordinator  
Ramona Band of Mission Indians  
P.O. Box 391670  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

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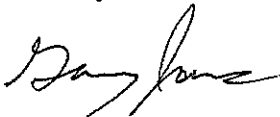
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November 21, 2011

Mark Macarro  
Chairman  
Pechanga Band of Mission Indians  
P.O. Box 1477  
Temecula, CA 92593  
Attn: Paul Macarro

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

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Mr. Mark Macarro  
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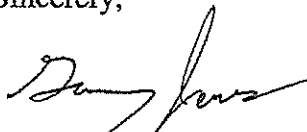
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CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

SAN BERNARDINO, CA 92401-1400

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November 21, 2011

Anthony Morales  
Chairperson  
Gabrieleno/Tongva San Gabriel Band of  
Mission Indians  
P.O. Box 693  
San Gabriel, CA 91778

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Morales:

Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near the Ramona Expressway, a distance of approximately 16 miles.

On behalf of the FHWA, we are distributing the draft Historic Property Survey Report (HPSR) for your review and comment. The full HPSR package that will be submitted to the State Historic Preservation Officer (SHPO) will consist of the HPSR summary document (Volume I); plus Attachments A through L of the HPSR (Volumes II, III, and IV). These attachments include documents, most of which, were previously provided for your review and comment in 2007. The revisions consisted of removing material that is no longer relevant to the modified MCP project, given its shorter project limits. No new archaeological resources have been added to the project. This draft HPSR package is included on the enclosed CDs.

The HPSR Attachments that are provided are:

- Attachment A: Maps (Map 1: Project Vicinity; Map 2: Project Location; and Map 3: Area of Potential Effects)
- Attachment B: Archaeological Survey Report
- Attachment C: Extended Phase I (XPI) (XPI Proposal Addendum; XPI Survey Report)
- Attachment D: Archaeological Evaluation Proposal
- Attachment E: Archaeological Evaluation Without Phase II Excavations Report (AEPER)
- Attachment F: Archaeological Evaluation Report (AER)

Mr. Anthony Morales  
November 21, 2011  
Page 2

- Attachment G: Historic Resources Evaluation Report (HRER)
- Attachment H: Preliminary Recommendations Of Eligibility And Level Of Effects (DOE/FOE) Report
- Attachment I: Prehistoric Department of Parks and Recreation Forms: Updated Sites and Newly Recorded Sites
- Attachment J: Caltrans Historic Bridge Inventory Sheets
- Attachment K: Native American Consultation Documentation
- Attachment L: Project Consultation Correspondence

In addition to the HPSR, a Findings of Effect (FOE) document is currently being prepared. The FOE will discuss a finding of an Adverse Effect for the MCP project for Site 33-16598. The FOE will be submitted for your review shortly following this draft HPSR.

FHWA respectfully requests to receive any comments you may have on the draft HPSR by January 2, 2012. Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about these documents at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Also, if you would like to receive a hard copy of any or all of the documents provided in the enclosed CD, please contact LSA. Government to government consultation questions and concerns should be directed to Stephanie Stoermer at FHWA at (720) 963-3218 or [Stephanie.Stoermer@fhwa.dot.gov](mailto:Stephanie.Stoermer@fhwa.dot.gov), or Gary Jones at Caltrans at (909) 383-4045 or [Gary\\_Jones@dot.ca.gov](mailto:Gary_Jones@dot.ca.gov).

Thank you again for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



GARY JONES  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure  
CD containing the draft MCP HPSR and all attachments

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 21, 2011

Joseph Hamilton  
Council Member  
Ramona Band of Mission Indians  
P.O. Box 391670  
Anza, CA 92539  
John A. Gomez, Jr.

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Dear Mr. Hamilton:

**Draft Historic Property Survey Report (HPSR) for Mid County Parkway Project (EA 0F320)**

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Mr. Joseph Hamilton  
November 21, 2011  
Page 2

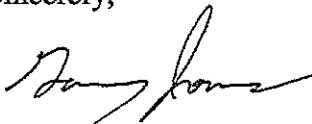
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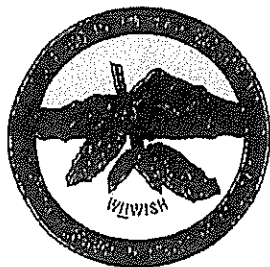


GARY JONES

Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosure

CD containing the draft MCP HPSR and all attachments



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

February 22, 2012

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Germaine Arenas

Vice Chairperson:  
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Aurelia Marruffo  
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Gary DuBois

Coordinator:  
Paul Macarro

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**VIA E-MAIL and USPS**

Mr. Gary Jones  
Assoc. Environmental Planner, Archaeologist  
Department of Transportation, District 8  
464 W. Fourth Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92401-1400

**Re: Pechanga Tribe Comments on the Draft Historic Property Survey Report (HPSR)  
for Mid-County Parkway Project (EA 0F320)**

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests to be notified and involved in the entire environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe has a long history of participating and commenting on this Project, dating back to 2004. Throughout this process, the Tribe has openly conveyed its comments and concerns about this Project in numerous written communications and meetings. We will not touch on those subjects in this letter, but we request that the agencies review our previous comments at this stage of the Project approval process and incorporate them herein with our present comments as part of the record of approval. For convenience, copies of the prior and other letters are attached as Appendices.

**CALTRANS MUST INCLUDE INVOLVEMENT OF AND CONSULTATION WITH  
THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS**

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian

<sup>1</sup>See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with

tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The obligation to consult arises when tribal interests are affected by the actions of State governmental agencies and departments, such as approval of General Plans or EIRs. In matters of transportation projects which are funded by Federal highway funds, Section 106 of the National Historic Preservation Act and Section 4(f) (49 U.S.C. 303) apply. Therefore, in order to comply with CEQA, Section 106, Section 4(f) and other applicable Federal and California law, it is imperative that Caltrans, as the delegate of FHWA, adequately consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating adequate objectives, policies and potential mitigation measures. In this case, it is undisputed that the Project area lies within the Pechanga Tribe's traditional territory.

The Tribe appreciates the efforts of Caltrans, FHWA, RCTC and LSA to meet with the Pechanga Tribe in a face-to-face consultation regarding the HPSR February 7, 2012. We believe it was a beneficial meeting in which we were able to share our concerns with the agencies and consultants involved as well as share our tribal knowledge specifically regarding this Project. This letter serves to memorialize that meeting and present the highlights discussed at that time.

#### **PECHANGA CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

D. L. True, C. W. Meighan, and Harvey Crew<sup>3</sup> stated that the California archaeologist is blessed "with the fact that the nineteenth-century Indians of the state were direct descendants of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors." Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that anthropological and linguistic theories as well as historic accounts are important in determining traditional Luiseño territory, the Pechanga Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions. Luiseño history begins with the creation of all things at *'éxva Teméeku* (*EHK-vah Te-MEH-koo*), known today as Temecula. The first people or *Káamalam* (*KAH-mah-lam*) were born at this location and dispersed to all corners of creation (what is today known as Luiseño territory). The last of the *Káamalam* born was *Wuyóot*

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Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

<sup>2</sup> See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

<sup>3</sup> D. L. True, C. W. Meighan, and Harvey Crew. Archaeological Investigations at Molpa, San Diego County, California, *University of California Press* 1974 Vol. 11, 1-176

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*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians  
Post Office Box 2183 • Temecula, CA 92592*

*Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need*

(We-YOUGHT). He was innately gifted with *ayéllkwish* (ah-YELL-kwish) or knowledge, and he learned how to make the first food, *tóovish* (TOH-vish, white clay), to feed the *Káamalam*. It is said *Wuyóot* gave the people ceremonial songs when he lived at 'éxva Teméeku.<sup>4</sup> While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the TVOL project area.

According to the creation narratives, *Wuyóot* was poisoned, and in an attempt to be cured, he visited several hot springs within Luiseño territory. The First People followed *Wuyóot* throughout the territory and he named the places as they traveled. Upon *Wuyóot*'s death, he was taken to 'éxva Teméeku and cremated. *Wuyóot*'s passing was the first death of the *Káamalam* and they were frightened by the event. A traditional song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino and then to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula.<sup>5</sup> He likely flew over the Project area. After a Grand Council of the *Káamalam*, they dispersed from 'éxva Teméeku, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called *Montivol* (*moh-NEE-vull*), speak of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact migration route of the Temecula people and the landmarks made by each to claim title to their places.<sup>6</sup>

*Tóota yixélval* (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground

<sup>4</sup> Constance DuBois 1908. The Religion of the Luiseño Indians of Southern California. *University of California Publications in American Archaeology and Ethnology* 8(3):69-186.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, p.110.

indentations, or cupules. Many of these cupule boulders have been identified within a few miles of the Project. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

Given the Tribe's extensive knowledge of its own history, which if necessary, can be corroborated by ethnographic accounts, historical documents and archaeological research, the Tribe does not agree with the Archaeological Survey Report (ASR) which states that the Project area was primarily occupied by the Cahuilla. To date, the Pechanga Tribe has been forced to contend with as many as eight different representations of their Territorial Boundaries (See attached Confidential Appendix 1 in Villages of Lakeview Comments 6-18-09). Many years of internal research by the Tribe have resulted in the Boundary shown in blue as the actual territorial boundary as accepted by the Tribe. The Pechanga Tribe's knowledge of our ancestral boundaries is based on information passed down from our elders through songs and stories; published academic works in the areas of anthropology, history and ethno-history, and through unpublished ethnographic and linguistic field notes. Many anthropologists and historians who have proposed boundaries of the Luiseño traditional territory have included the project area in their descriptions (Kroeber 1925<sup>7</sup>; Drucker 1939<sup>8</sup>; Heizer and Whipple 1951<sup>9</sup>; Smith and Freers 1994<sup>10</sup>). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseño territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

<sup>7</sup> Alfred. L. Kroeber 1925. *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, Government Printing Office, Washington D.C.

<sup>8</sup> Phillip Drucker 1939. Culture Element Distribution, V, Southern California. *University of California Publications in American Archaeology and Ethnology*, Vol. 1.

<sup>9</sup> Robert F. Heizer and M.A. Whipple 1951. *The California Indians*. University of California Press, Berkeley.

<sup>10</sup> Gerald A. Smith and Steven M. Freers 1994. *Fading Images: Indian Pictographs of Western Riverside County*. Riverside Museum Press, Riverside, Ca.

### COMMENTS ON THE ETHNOGRAPHIC SECTION OF THE ASR

The Tribe believes that the Ethnographic section in the ASR does not accurately reflect territory usage within the Project area. The Tribe's Creation story maintains that the Luiseño people were created here and thus have always lived in this area. The Tribe argues that there is ample evidence that supports continuous Luiseño occupancy over other tribes which it has previously submitted in comments on the MCP, Villages of Lakeview and SR79 Projects. Our research and documentation demonstrates that this area was inhabited by the Luiseño, who may have shared Mystic Lake with the Serrano (research is ongoing); however, it is documented in both the ethnographic record and in Cahuilla bird songs that the Cahuilla did not inhabit this area until the mid to late 1800s. We have provided this research information as Appendices 1 through 4 and have highlighted additional points of concern below.

The use of specific ethnographic maps in the ASR without an adequate discussion of the alternative theories is problematic, especially in a case such as this where the Tribe has presented ample additional information regarding its assertion that the Project Area falls within Luiseño rather than Cahuilla territory. It is fairly common knowledge that ethnographers often change their tribal territory boundaries for each new study or publication based upon who their informants are/were. In this instance, the ASR cites Bean 1978 and Cahuilla stories on Takwish for the Project being traditionally Cahuilla territory without providing adequate justification for why these works were chosen over other equally reliable works that may have disagreed with this information. It is important to compare Bean's earlier works such as his map in Bean and Saubel<sup>11</sup> (1972), which clearly shows the Project area in Luiseño territory.<sup>12</sup> The map in Bean's 1972 work<sup>13</sup>, which is almost identical to the Bean and Saubel map, also reflects the APE within Luiseño territory. Kroeber's 1925 map and Strong's 1929 map also supports the Tribe's oral traditions that this is Luiseño territory.

Furthermore, the sole usage of Cahuilla Tahquitz stories is misleading as the Luiseño have extensive stories about Takwish as well. This is not a defensible argument and the Tribe believes it should not be used as support for claims of Cahuilla occupation.

### TRIBAL COMMENTS ON THE HISTORIC PROPERTY SURVEY REPORT

As outlined above and in other comment letters, the proposed Project is on land that is within the traditional territory of the Pechanga Band of Luiseño Indians. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem

<sup>11</sup> Bean, Lowell J., and Katherine S. Saubel. *Temalpakh (from the Earth): Cahuilla Indian Knowledge and Usage of Plants*. Malki Museum Press, Banning, California, 1972

<sup>12</sup> Bean and Saubel 1972, p. 8

<sup>13</sup> Bean 1972 frontpiece

from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, communities or portions thereof, as well as sacred sites and archaeological items which would be displaced or destroyed by ground disturbing work on the Project. The Tribe is also concerned with the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

The Tribe has received and reviewed the November 2011 Draft Historic Property Survey Report (HPSR) as submitted to us by Caltrans District 8. According to the HPSR and the Archaeological Survey Report (ASR), there are a total of five Native American sites located within the Direct APE (P-33-016598, -019862, -019863, -019864, and -019866). One site, P-33-003653 is immediately adjacent to the APE and will be protected and avoided with ESA fencing. Site -016598 has been determined eligible for the California Register of Historic Places (CRHP) and the National Register of Historic Resources (NRHR). This village is known to the Tribe as *Paavo'*. Portions of *Paavo'* have been previously excavated. The area that is slated for impact from the Mid-County Parkway Project (MCP) was determined by the archaeological consultants to be a non-contributing factor and was approved for destruction and as discussed further below, the Tribe continues to disagree with this assessment. The remaining five sites were evaluated and are considered to be ineligible for listing on any register.

***Paavo'* P-33-016598**

First and foremost, the Tribe does not agree that the portion of P-33-016598 that is proposed for impacts by MCP is a 'non-contributing component' to the overall village site as was determined by LSA during the Villages of Lakeview Project. Because this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire site be avoided and preserved in place with no development activity to directly or indirectly affect this significant traditional cultural area. Most recently, the Tribe took this position on the Villages of Lakeview Project. (See Appendix 2) Since the MCP Project will also impact the *Paavo'* site, the Tribe continues to take the same position here.

During the Phase II work, cultural items of a significant and ceremonial nature to Pechanga were uncovered which was not unexpected by the Tribe. "At least three unique artifacts were discovered during the survey, a large granitic discoidal, a fragment of a quartz mano, and a mano with red pigment on it" (LSA 12/14/07 Villages of Lakeview Project Memo, Pg. 8). These items are consistent with the high significance of the site and are representative of the types of items likely to be uncovered if this area is ever subject to development. The Tribe believes that all portions are contributing components to the overall integrity of the site as demonstrated by the presence of ceremonial items and the drawing of the site boundary to include this area.

**Newly Recorded Cultural Resources (P-33-019862, -019863, -019864, -019866)**

The Tribe also does not agree with the determinations made for the remaining cultural sites identified in the ASR that are within the MCP Project APE and in fact, is seriously concerned with the site specific approach taken in the archaeological documents. The Tribe has long advocated that archaeological work should look at the landscape as a whole. This means looking beyond what is only in the project APE, taking into account the landforms such as rock outcrops, canyons, fault lines and flat lands; natural resources such as waterways and plants; previously recorded archaeological sites as well as traditional tribal knowledge and known traditional named places.

For this Project, the ASR states that extensive research was conducted in an effort to identify previously recorded sites in a one mile radius of the APE and within its boundaries, as well as referencing historic maps, lists and databases; ethnographic literature; archaeological studies and site records. Additionally, "[a]pproximately 37,282 ac were encompassed by the MCP records search, and approximately 11,553 ac (31 percent) have been previously surveyed."<sup>14</sup> The Tribe questions why this data was not utilized since it appears the analysis for the cultural sites was limited to only those sites recorded within or immediately adjacent to the Direct APE.

Cultural sites cannot be viewed as a single event or a single location that is unrelated to any other site located near it or the landscape in which it sits. These sites are not isolated islands but a small part of a larger web of culturally related activities and events. For example, the ASR records four previously unidentified bedrock milling sites within the Bernasconi Hills area, south of Lake Perris (-019862, -019863, -019864, -09866). Because they are milling features with no associated surface artifacts, the sites were identified and analyzed individually, and thus were determined to be ineligible for the historic registers. The ASR should have used the information gathered during the research phase and take into account the over 40 previously recorded sites and individual artifacts within a one mile radius and their relationship to these four sites located within the APE. The Tribe believes if this had been done, the significance and eligibility determinations may have come out differently.

The Tribe understands that project funding may often be limited, thereby restricting the amount of archaeological research, testing and follow up necessary to provide a complete and accurate assessment of the presence of cultural resources on a given project site. This is a sad and unfortunate result of the current development and land use scheme in California. Thus, it is even more imperative that archaeological consultants and lead agencies meet and consult with Tribes who do have additional information about these vital resources. Tribes are the keepers of their own tribal knowledge and history and can fill in the unfortunate gaps which exist in current cultural resource management practices due to funding and other constraints. Additionally, to tie

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<sup>14</sup> *Archaeological Survey Report, Mid County Parkway, Riverside County, California*. Strudwick et al. August 2011. Page 14.

into the Tribe's argument that a piecemeal analytical approach to the presence of resources only results in further destruction of cultural resources, direct construction impacts may not be proposed for sites located one mile from the APE; however, these conditions should not hamper an adequate landscape analysis, required to properly evaluate cultural resources. There is sufficient data available in the records search and prior comments of the Tribe for the agencies to add into the ARS a more comprehensive and regional (or landscape) view of the sites in the area and how they relate to one another; and in turn, how they relate to the larger village complexes which are clearly present in and around the APE. Small sites that are proposed for impacts should not be analyzed in an isolated manner because ethnographic information provides evidence that Native American villages often extended five miles in area. Standard archaeological protocol generally utilizes a one-mile radius around a project or APE when conducting a records search. The ASR states that this radius was used and therefore, the information should be available to the Project's archaeological consultants, in addition to the information presented by the Tribe. With this data and viewing the area at the "10,000 foot level," it is obvious to the Tribe that the Bernasconi Hills area was a small habitation or community area, likely associated with *Paavo'* to the east. As such, in order for the Project documents to adequately reflect the true nature of the resources affected by the Project and the impacts to those resources, a more thorough landscape analysis should be done. The data is there; it just needs to be utilized properly. The Tribe would be happy to assist the agencies in completing a thorough and accurate landscape analysis of the APE and adjacent areas.

#### **Other Impacts to Cultural Resources**

The Tribe is further concerned with the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that the Project will have on these sites. These issues should be more adequately addressed in the DHPSR.

#### ***Auditory and Visual Impacts***

The Tribe knows, and the ASR confirms, that there are numerous *tóota yixé'val* located within a close proximity to the Project APE. The development of the proposed MCP will directly visually impact these resources. The sheer size of the MCP will be seen and heard for miles and will be a visual impediment to the scenic beauty of this region. It will further affect the natural quietness of the area. Because of the size, complexity and impact the MCP will have on the surrounding landscape, visual and auditory impacts to cultural resources should be thoroughly evaluated within the final document. The Pechanga Tribe requests further consultation on this issue to assist in such evaluation.

#### ***Cumulative Impacts***

Cumulative impacts are also a major concern for the Tribe. The destruction of any "individual" cultural resource is detrimental to the whole cultural landscape and serves to further destroy the Tribe's traditional ancestral places. Unfortunately, most of the traditional ancestral

places of the Tribe are on private and public lands which are constantly threatened by development. The Tribe is not anti-development; however, we increasingly struggle with lead agencies to protect and preserve our invaluable resources which continue to be destroyed and impacted on nearly a daily basis. Improper recordation and analysis of features within a larger community or habitation context allows for the piecemealing of sites and which can result in improper eligibility determinations which leads ultimately to damage or destruction. While the Tribe is aware that not all sites and cultural resources can be saved during development, it is important to acknowledge in project documentation that these are not renewable resources and thus the impairment or destruction of any site or resource IS a cumulative impact.

Additionally, with the proposed MCP project, the huge influx of vehicles will increase air pollution. The smog and other pollutants build up on boulder outcrops. Very little research has been conducted to determine the effects of air pollutants on boulder outcrops and rock art; however, the Tribe knows that the constant exposure will erode the delicate pigments left on the rocks. This kind of indirect and cumulative impact needs to be addressed in more detail in the final document. We know that resources sensitive to these kinds of exposures are present within and around the APE. As such, the document is inadequate in that it fails to assess and address these kinds of impacts.

#### ***Growth-Related Impacts***

Finally, the Tribe is concerned about growth-related impacts to this area and their effects on cultural resources. We know that infrastructure development brings more residential and commercial development. Development brings people, and if people are not educated or aware of the importance of cultural resources, the resources will suffer through vandalism, looting, graffiti or destruction. As stated above, there are numerous cultural resources that would be impacted by future developments proposed adjacent to the MCP. Based upon the current archaeological methodology, there is a high probability that these sites will be subjected to site-by-site analysis and not viewed in their proper context. Because the MCP reports, including all archaeological studies, will be submitted to the Eastern Information Center (EIC) – the clearinghouse for such documents and the location archaeologists first go to for information, the Tribe requests that FHWA and Caltrans set a precedent with the HPSR and the ASR and address the sites in the vicinity of the MCP in order to assist future archaeologists and developers with awareness, preservation and avoidance.

Furthermore, the Tribe requests to work closely with Caltrans to develop a long-term strategy for better preservation of cultural resources located within the vicinity of the APE. For example, the Tribe has worked on several projects in which prominent rock outcroppings were preserved and avoided during construction activities. However, the Lead Agency did not provide for any long term care and as families and development moved into these areas, the rock outcroppings were subject to graffiti and the *tóola yixélval* was permanently impacted. The FHWA, Caltrans and the Tribe work diligently to preserve and avoid construction related impacts to cultural resources. We request to also work together to preserve these resources by

planting native species, engineering walls or fences, developing community watch groups, or other methods that deter vandals.

### CONTINUED TRIBAL INVOLVEMENT

The Tribe will continue to be involved and participate with the FHWA and Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project.

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §15064.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5-10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between Caltrans, or the appropriate entity, and the Pechanga Tribe.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. This is addressed in the AEP however, given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project. It is the position of the Pechanga Tribe that human remains must never be moved or other impacted, but rather, they should remain in their original resting place, undisturbed.

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe thanks the FHWA and Caltrans for the opportunity to review the Draft HPSR and we look forward to working together in protecting the invaluable Luiseno cultural resources found in the Project area. Please contact me at 951-770-8104 or at

Pechanga Comment Letter to the Department of Transportation  
Re: Pechanga Tribe Comments on the Mid-County Parkway DHPSR  
February 22, 2012  
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ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. Thank you.

Sincerely,



Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel  
Brenda Tomaras, Tomaras & Ogas, LLP  
Stephanie Stoermer, FHWA  
Gabrielle Duff, Caltrans  
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Phil Fulton, LSA Associates

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*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians  
Post Office Box 2183 • Temecula, CA 92592*

*Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need*

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## APPENDIX 1

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**PECHANGA INDIAN RESERVATION**

*Temecula Band of Luiseno Mission Indians*

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January 25, 2008

**SENT VIA EMAIL AND U.S. MAIL**

Mr. Tay Dam  
Federal Highway Administration  
California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

**Re: Pechanga Tribe Comment Letter on Preliminary Recommendations of Eligibility and Level of Effects for the Mid County Parkway (MCP) Project**

Dear Mr. Dam:

The Pechanga Band of Luiseno Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, submits this letter on the above referenced document as part of the tribal consultation process for this Project.

The Pechanga Band requests that this letter be included in the record of approval for the Project.

**I.**

**PECHANGA TRIBE CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area, which comprises the Project property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on projects in the nearby vicinity of the proposed Project, has been the named consulting tribe on projects in the vicinity of the proposed Project, and has specific knowledge of cultural resources and sacred places within/near the proposed Project alignments.

## II. TRIBAL CONSULTATION REQUIREMENTS

### A. CALTRANS MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. The United States has a unique political and legal relationship with Indian tribal governments. In conformance with this unique relationship, the Federal Government recognizes the sovereign status of tribal governments and its obligation to deal with these tribal governments on a *government-to-government* basis. President Bush himself reaffirmed this responsibility in both his Executive Order 13336 and his Executive Memorandum of September 23, 2004.

The obligation to consult arises when tribal interests are affected by the actions of State governmental agencies and departments, such as approval of General Plans or EIRs. In matters of transportation projects which are funded by Federal highway funds, Section 106 of the National Historic Preservation Act and Section 4(f) (49 U.S.C. 303) apply. Therefore, in order to comply with CEQA, Section 106, Section 4(f) and other applicable Federal and California law, it is imperative that Caltrans, as the delegate of FHWA, adequately consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating adequate objectives, policies and potential mitigation measures. In this case, it is undisputed that the Project area lies within the Pechanga Tribe's traditional territory and thus the Tribe should have been appropriately consulted on the Project.

### B. SECTION 106 CONSULTATION REQUIREMENTS

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly requires consultation with Indian tribes, regardless of the location of the project (36 CFR 800.2(c)). The regulations go on to state that the agency official *shall* ensure that consultation provides an Indian tribe "a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects." *Id.* Further, consultation must occur early in the planning process in order to "identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties." *Id.*

<sup>1</sup> See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments; and Executive Memorandum of September 23, 2004 on Government-to-Government Relationship with Tribal Governments.

<sup>2</sup> See California Public Resource Code §5097.9 et seq. and Cal. Govt. Code §§ 65351, 65352, 65352.3 and 65352.4.

In the instant case, while Caltrans and FHWA have conducted several "consultation" meetings, they have done so in a manner which left Tribes unable to provide adequate and viable input. For instance, the Tribes were not provided a copy of the results of the Extended Phase I Program prior to the meeting to discuss the AEP for the Phase II Program. Thus, other than commenting on specific methodology performed, the Tribes were unable to provide any input into whether they felt the Phase II Program adequately covered all sites necessary. This lack of information has now been compounded by requiring the Tribes to comment on the Preliminary Recommendations for Eligibility without all of the analysis of the materials encountered during the Phase II having been performed. Further, even where Tribes were given some documentation or information prior to a meeting, it was usually just prior to the meeting thus making it difficult for Tribes to actually review the information before the meeting.

Because of the decision to expedite the environmental work on this project, and in particular the cultural assessment, throughout this Project the Tribes have been asked to provide their comments and input at points in time where either the Tribes have not been given all the information necessary to do so or where the Tribes were given information but not in a timely manner given the timelines for the comments. Pechanga does not believe that this is adequate consultation.

It is the Tribe's request that the Lead Agency and all agencies and consultants involved commit to working with the Tribe to ensure it has *meaningful* participation in the environmental review process, which includes all archeological assessments and testing. As such, Pechanga is requesting the ability to consult on any additional archeological assessments and test programs, well in advance of their commencement in order to allow adequate time for the Tribe to evaluate these programs and provide comment on them. The Tribe also requests that such programs and assessments take into account the Tribe's preferences and customs concerning treatment of archeological/cultural resources. Further, the Tribe request that it be allowed to consult on the analysis and results of such assessments and test programs in a timely manner and with adequate information provided.

#### **C. SECTION 4(F) CONSULTATION REQUIREMENTS**

The Federal Highway Administration (FHWA) has a policy, enacted by Congress, of preserving certain lands, wildlife and waterfowl refuges and historic sites. As such, FHWA is required to evaluate whether any project may require the use of "a public park, recreation area... or land of an historic site...." (49 U.S.C. 303(c)). The reason for such evaluation is that the Federal government determined it would avoid the use of significant areas such as historic sites when creating new public highways.

The obligation to consult under Section 4(f) comes in conjunction with the obligations under Section 106 and the requirement that Section 4(f) applies to National Register Eligible sites. Thus, while there is no explicit requirement to consult under Section 4(f), the obligation is implicit in the requirement to determine whether a property is National Register Eligible. Moreover, the Secretary of Transportation can only make a finding of *de minimis* impacts to a

historic site if the finding "has been developed in consultation with parties consulting as part of the process..." (49 U.S.C. 303(d)(2)(C)). Thus it is the position of the Pechanga Tribe that the FHWA and Caltrans must conduct adequate consultations with the Tribe in both determining the eligibility of a site, as well as any later findings of *de minimis* impacts.

### **III.**

#### **TRIBAL COMMENTS ON PRELIMINARY RECOMMENDATIONS OF ELIGIBILITY**

The Pechanga Tribe is in receipt and has reviewed the *Mid County Parkway Preliminary Recommendations of Eligibility and Level of Effects* memo, dated 12/14/07 ("LSA 12/14/07 Memo"). A total of nine (9) sites were excavated during the Phase II eligibility determination program. Two (2) sites were combined into one (1) site resulting in the evaluation of eight (8) sites in the LSA Preliminary Eligibility Memo for eligibility for National and State Register Eligibility. The Pechanga Tribe has concerns with the conclusions for seven (7) of the sites (P-33-001512, P-33-001650/016687, P-33-016678, P-33-016679, P-33-016680, P-33-16598 and P-33-16685), and asserts that the conclusions are inadequate and incorrect. The seven (7) sites of concern can be separated into two primary site types--quarries and habitation areas. When analyzing these types of sites two very distinct methods of evaluation should be utilized based upon the original activities conducted at each type of area.

#### **A. QUARRY SITES**

Quarry sites are considered important cultural resources to the Tribe and should be viewed by the archaeological community as sites that can contribute significant data, not only to the scientific body of knowledge, but to tribes as well. Quarries, which are generally lumped together with prospects and mines, are essential to cultural and scientific understanding. No two quarries are alike. Each quarry is unique and varies from every other one. For example, the materials vary from site to site, the amount of utilization varies, each source outcrop was utilized in a different manner, and special workshop areas may or may not be present. As the majority of artifactual remains left on sites are lithic materials, the sources of these materials can reveal a wealth of information regarding how the inhabitants interacted with their landscapes. Technological and ideological changes, embedded strategies, site formation processes, trade and regional activities can all be addressed by analysis of quarries and research of the surrounding area.

Quarries are frequently labeled as non-significant/not eligible resources due to the amount of time and research they generally necessitate. For instance, the required level of analysis for the artifactual materials is generally not common knowledge to the average laboratory technician, and retaining a specialist can be cost prohibitive to the project. Moreover, the amount of artifacts found at a quarry site, from a management perspective, can be overwhelming and proper analysis may also be deemed cost prohibitive. Further, experience has shown that quarry locales are often simply not identified during fieldwork. Presumably, this is based upon the archaeologists' lack of knowledge of the source material. If a quarry site is identified during fieldwork, it is often immediately dismissed based upon the lack of readily

visible "diagnostic" surface artifacts or as not containing enough data to warrant detailed analysis, thus resulting in the quarry site being "written off."

Quarries are focused exploitation areas, utilized for their source material. Because of this specialized nature, typical household features and artifacts associated with habitation sites such as hearths and/or cooking features, food preparation areas, leather working areas, house features, etc, are generally not present. Therefore, materials utilized for chronological testing, i.e. charcoal, shell, other organics, will be absent. Further, as quarries are sites where "diagnostic" artifacts are removed, the importance of a quarry is often determined by which artifacts are not present. The lack of diagnostic artifacts, such as finished tools and completed/broken projectile points may be confusing and, if the analyst is not trained for detailed analysis, important details about the flakes/debitage may go unidentified. Quarries require an almost backward approach to determine significance or eligibility as they generally do not have finished or formed tools and rely heavily on outside regional research. Quarry materials often must be dated in conjunction with other sites which highlights the importance of comparing artifact collections of regional sites.

Stratigraphy is generally not expected at quarry sites and bioturbation is evident in almost every southern California site. Therefore, neither should be considered key factors in determining whether a site is eligible. The LSA 12/14/07 Memo states one of the quarry sites can answer certain research domains, but its utility is limited based upon lack of intact stratigraphy. The "lack of stratigraphy" argument is not germane when the locations of quarries themselves are taken into account. Stratigraphy relies on deposition of materials and topography of the area. Generally, quarries in western Riverside County consist of source materials that are exposed from the ground by a variety of geologic events including wind, water and earthquakes. They are usually located on higher topographic areas including the tops and sides of hills, ridges, mountains, etc. The quarries excavated in the Phase II program are all located on ridges and high places, in deflationary environments, and were most likely in the same environment when utilized. Thus, deposition of soils would not occur and erosion and sloughing of materials downslope would be expected, thereby negating stratigraphy within the main quarry areas. Collection of sediments and artifacts would more likely occur at the base of the slopes which would result in either a reversed accumulation or in a jumble.

Further, bioturbation in a site can be factored into the overall identification of a site but should not be the deciding factor for eligibility. In addition, the erosional nature of the source materials should not be a factor for eligibility. The Tribe is aware that LSA has voiced a concern that non-artifactual material spalls should not be incorporated into the overall collection. Nevertheless, the Tribe believes that a qualified lithic specialist should be able to discern human modified materials from natural spalls. Additionally, it is presumed that the material has been eroding for years. If these spalls were occurring at the quarries' time of usage, this may have been an attractive feature of the site since the spalls could have been more easily modified than starting from scratch. This similar use pattern has been identified on sites where the artifacts appear to have been reused or recycled from other locations.

In addition, quarries such as those assessed in the Phase II program can answer multiple scientific research questions from a cultural standpoint as well. Specifically, sites -001512 and -001650/16687 can provide data for all the proposed research domains excepting possibly Gendered Behavior. As a brief example, quarries are essential to Settlement Pattern questions as there must be a tool source close by the habitation/village to supply the inhabitants' need for subsistence tools. Since these quarries are considered local, we should then ask where are the habitation/village locations (Site Formation/Site Structure). The next logical question would be did the inhabitants have had access to this material (Subsistence Base)? If there is more than one habitation/village nearby, would the quarries have been "owned" by a specific family/clan/lineage/etc (Socio-Economic Relations)? Has the material been traded to other locales and can the materials be identified within the archaeological/ethnographic record (Chronology/Trade and Economics)? Can the material be identified within other sites in domestic or ceremonial activities (Ritual and Ceremonial)? The list of potential research questions which could be answered based upon what is available at these quarry sites is endless.

Chartkoff (1995)<sup>3</sup> proposes the implementation of a nested hierarchy of research questions that could be applied to the analysis of lithic scatters. This nested hierarchy of research questions can also be applied to quarry sites which, in reality, are large lithic scatters. These five perspectives briefly include: 1) Within-Site Context; 2) The Assemblage as a Whole; 3) A Site in its Environmental Context; 4) The Site within a Cultural Context; and 5) The Site within a Regional Context (ibid: 31-35). These patterns may assist in reinforcing trade and travel routes as told to tribes by elders as well as assist specific identification of place names. Thus the Chartkoff hierarchy would provide yet another source of potential information leading to a determination of eligibility under Criterion D/4.

Finally, these sites are culturally significant to the Tribe as they provide the Tribe with not only a connection to their past, but also with a real-time "laboratory" in which the Tribe can relearn some of the ways of their ancestors. As we have discussed, there is no question that a quarry site was a significant element in any prehistoric habitation setting because of the need to create weapons, tools and ceremonial items. The dispersion of quartz and metavolcanic quarries in the area is not surprising for us because the material was required for religious purposes. In fact, the quarries in the area of the Project were counted on to support the large complexes of Páxa'vxa (Glen Ivy), Tu'uuva (South Corona), and Qaxáalku (the span between Lake Matthews and the March ARB) and the Boulder Springs Complex. Thus, each quarry site holds a cultural significance to the Tribe.

#### Site P-33-001512

The LSA 12/14/07 Memo concluded that this site was not eligible under Criterion D/4 or any other criteria because of its lack of stratigraphy, the deflationary nature of the sediments, and the bioturbation that is present. As explained above, these reasons cannot be determining factors for eligibility for quarry sites because the nature of the sites are such that their natural order is

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<sup>3</sup> Chartkoff, Joseph L. A Nested Hierarchy of Contexts: An Approach to Defining Significance for Lithic Scatters. *Journal of California and Great Basin Anthropology* Vol. 17, No.1 (1995). PP 28-40.

deflationary, lacks stratigraphy and provides a good environment for bioturbation. Moreover, the LSA 12/14/07 Memo contradicts itself regarding this site by stating that, "the overall physical integrity of site 33-001512 is....still generally good" (LSA 12/14/07 Memo, Pg. 3), and that 33-001512 is "a good example for the region of prehistoric quarrying activities...." (LSA 12/14/07 Memo, Pg. 4), and yet concludes that it is not eligible because does not have the ability to yield further data. Further, although there are thousands of artifacts present at this site, preliminary observations by LSA place them all within the same artifact class. The LSA 12/14/07 Memo also finds "no temporally diagnostic artifacts" or charcoal or other datable organics for radiocarbon dating. The lack of such temporally diagnostic material has been discussed above, and thus the Tribe does not believe that such lack is an adequate fact in making a determination that a site is not eligible under Criterion D/4.

The Tribe believes this site is eligible under Criterion D/4 for numerous reasons, including the fact that, as discussed above, it is culturally significant. In addition, while the LSA 12/14/07 Memo argues that this site is not unique because there are two other similar site types nearby, the Tribe disagrees with this assessment. What the LSA 12/14/07 Memo fails to note is that this is the largest and the best preserved of the quarries and that, of the three total quarries within the proposed alignment, two are proposed for destruction. Moreover, as the Tribe has already expressed, many of the quarries which previously existed within western Riverside County have already been destroyed through development. Thus, on a regional basis, very few such quarry sites remain making this quarry even more unique.

Not only is the site itself unique, but the Tribe believes that the materials which comprise the quarry are as well. LSA argues that the materials in all three quarries are similar. However, the quarry that is to be preserved by an ESA, 33-001649, does not appear to contain identical materials as 33-001512 and 33-001650/-016687 and therefore, cannot represent 33-001512 and 33-001650/-016687 if they are destroyed. According to the site record for 33-001649, the source material is a black metasedimentary. Based upon our observations, the materials from 33-001512 and 33-001650/-016687 consist of a light tan or gray to pink-brown with some banding present. We would argue that trace element analysis should be conducted on these sites in order to establish if there are any similarities and make adequate conclusions for eligibility.

#### **Site P-33-001650/-016687**

Likewise, the Tribe believes that this site should be deemed eligible both because of its cultural significance and because of its ability to provide information about how these quarries were utilized by our ancestors. The Tribe therefore disagrees with the LSA 12/14/07 Memo conclusion that this site is not eligible under Criterion D/4 or any other criteria because of erosional factors such as deflation of the soils, bioturbation, lack of intact stratigraphy and exfoliation of outcrops. The LSA 12/14/07 Memo also states that the site "does not appear to have the potential to answer other important research domain questions," "the portions investigated do not appear to contribute an evaluation of site significance under Criterion D/4," and "it does not have the ability to yield further data". However, the Memo never explains how these conclusions were drawn and provides no support for such conclusions. Rather, there

appears to be support for an opposite conclusion. According to the Memo, there is depth to the site and workshop areas were defined which could therefore have the potential for providing additional data. As noted above, erosion cannot be the determining factor for eligibility for quarries as they are, by nature, located in deflationary environments.

In addition, only a small representative sample of the site was even tested. The entire site needs to be factored in to any eligibility determination. Once again, the Tribe objects to the piecemeal nature in which the assessment and recommendations were conducted.

## **B. HABITATION SITES**

Habitation sites are of utmost importance to the Tribe because they are the last physical remains of where our ancestors lived. They contain information and data that are reflective of every aspect of tribal culture.

A major problem that the Tribe has been observing over the last few decades is the shift in archaeological practices which look at these resources on an individual scale, on a project-by-project basis. This piecemeal type of assessment belies the fact that many of these sites are much larger complexes, and thus results in evaluations of the sites as not being significant. Further, this kind of piecemeal approach seems to be contrary to the tenants of archaeology which in this Memorandum have been said to require sites and artifacts be evaluated in their original location and condition. Because of this approach, very little regional research had been conducted within the Riverside County area to connect the dots. This has resulted in the systematic destruction of villages and habitation areas.

As with quarries, habitation areas must be looked at with a specialized set of criteria in order to scientifically designate a site as eligible. As previously stated, these different components within habitation areas are often segmented; that is, recording them as individual sites instead of recognizing them as a part of a whole.

Glassow (1985)<sup>4</sup> addresses the issue of how site complexes and regional complexes (i.e. villages and habitation areas) are being divided into smaller sites for analysis, and how such analysis misses the full meaning of the sites and results in a "write-off" or dismissal of sites based only a partial analysis. Small sites are described as those sites which "typically have surface areas on the order of 1,000 m<sup>2</sup> or less, deposits of less than 50 cm depth, only two or three major classes of cultural remains and very few, most often fragmentary finished artifacts" (59). He states, "... (S)ites on the smaller end of the size range are being systematically neglected by many archaeologists in favor of sites on the larger end of the size range. Not only are small sites seldom investigated, but they are frequently assessed as having no appreciable significance to research and are therefore being destroyed..." (ibid: 58). He further provides an example of an archaeological document that determined a site to be not eligible for the register.

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<sup>4</sup> Glassow, Michael A. The Significance of Small Sites to California Archaeology. *Journal of California and Great Basin Anthropology* Vol. 7, No.1. PP 58-66 (1985).

The assessment stated that although the small site, which contained a lithic scatter and two bifacial tools, contained high integrity, the potential to answer research questions was limited and thus the site was not eligible. This limited data was based only upon a survey and one posthole test unit. With regard to this Project, the Tribe asserts that the same methodology and resulting dismissal of sites is occurring. For example, the Draft Extended Phase I (XPI) Survey Report states, "Of these 73 sites, 57 sites within the direct APE contain bedrock milling without associated surface artifacts, and all of these sites measure less than 1,000 square meters (sq m)" (2007:8). The archaeologists for this Project then proceeded to dismiss most of the sites identified in the XPI and choose to focus only on eight (8) sites for the Phase II analysis out of the original 57 sites within the APE. According to the Draft Extended Phase I Report, these sites have been systematically removed from any list of concern because they did not exhibit surface or presumably subsurface artifacts. In other words, because they are simply bedrock milling features, they are not significant. Following Glassow's example, the archeologists for this Project focused only on the larger sites and analyzed those in a vacuum context, looking only at the site itself and ignoring the fact that those sites are located in huge complexes of individually recorded sites (the sites that were originally dismissed for only being milling features). To illustrate, the Pechanga tribe conducted our own brief review at the Eastern Information Center on Sections 13 and 14 of the Steele Peak 7.5' quadrangle. We discovered that there are 150± individually recorded sites within this area. This is the same area where three (3) of the larger habitation sites subject to Phase II are located (P-33-016678, P-33-06679, P-33-016680). During the Project archeologist's analysis of those three (3) sites, nothing was mentioned about their location among these huge complexes of sites and no specific information on these site complexes was presented to the Tribe for review or comment on – we had to obtain the information ourselves. We understand that the Project proponents and Project archeologists have explained that they are only obligated to review sites within the APE. However, in order to understand the true meaning and value of the sites within the APE, it is imperative that any analysis take into account the relationship and contribution of those sites to the bigger complex.

As stated in several consultation meetings with the Lead Agency and CalTrans, the Tribe would like to, again, point out that scientifically assessing sites on a small-scale means the systematic and deliberate destruction of portions of village and habitation complexes, of which there are an increasingly diminishing number. If this destruction continues, the only remaining features of our villages will be small portions that have been chosen by archeologists to be "saved" based only on a scientific assessment and valuation of the site. This sort of methodology completely ignores the value of a site's contribution to the entire habitation area and the cultural importance of these villages and habitation areas. As with quarry sites, the Tribe would like to encourage archaeologists not to just look at the number of bedrock milling sites and conclude that because there are so many they are insignificant. Rather, the Tribe asserts that archeologists must look at how these features relate to each other. Glassow argues, "(A) small site and its contents gain importance as a document of a set of activities that occurred at a specific place within a particular setting. While the same set of activities might have occurred at a number of other places, it is often important to know the number of such places and variations in their settings" (60). Large regional projects like Mid-County Parkway are the appropriate time for comparisons of artifact collections to occur and to start piecing the bigger picture

together. Trade and travel patterns can be assessed, site formation, ceremonial comparisons, and site type comparisons can all be made. In addition, settlement patterns can be assessed, and the list goes on. Habitation/village sites are often identified, but the next step of conducting the research in order to put them into context is usually not taken. This lack of context results in destruction of the individual sites and of our cultural heritage.

In addition, by continuing to utilize this methodology, archeologists are not necessarily saving the correct portions of the complexes and villages, but only the portions they deem to have scientific value. By archaeologists using this methodology, we as a society are likely missing the most essential pieces of the puzzle and, most importantly, ignoring the cultural value. True and Waugh (1982) pointed out that the Luiseño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that either pre-contact or post-contact San Luis Rey Luiseño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that are situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to "village" organizations. In other words, the Luiseño people had developed a very complex sense of community and permanent Settlement Pattern: it was embedded in their Social History. Kroeber (1925) and Heizer (1978) also used ethnographic data to describe the Luiseño Indians' settlement pattern as consisting of permanent villages located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. Each village of 75-200 people was occupied by one or more patrilineal clans. Frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. In other words, the areas where there are numerous sites located are remains of complex habitation sites or villages, containing all the components of our ancestor's society. Necessarily, all the sites are related to each other. As such, the Project archeologists for this Project must revise the methodology to incorporate a regional and cultural analysis. To better understand the Tribe's regional view and why we believe the "piecemealing" of sites falls short of a legally appropriate analysis, we have attached to this comment letter a confidential appendix concerning the cultural significance of the MPC Project area to the Pechanga Tribe (Appendix A).<sup>5</sup> We will further explain below how comments apply to the four (4) habitation sites at issue for this Project.

#### **Site PP-33-16598**

According to the LSA 12/14/07 Memo, this site is a multi-use habitation site. It is also known as the Lizard Shrine site and has already been extensively studied in connection with a County of Riverside project, the Villages of Lakeview. It is our understanding that only a portion of the site will be disturbed by this Project. As a result, the Phase II excavations of multiple trenches and units were conducted in the portion of the site within the Project ROW.

<sup>5</sup> We request that this information be kept confidential and not be published or distributed to the public. This information is only intended for use by the agencies processing the MCP Project application and environmental assessment. This information must be kept confidential and may not be published or distributed to the public.

Although culturally significant resources were uncovered during the Phase II testing, LSA made the determination that, "There is no evidence within the excavations observed for midden soil or cultural stratigraphy, and it is *likely* that all subsurface artifacts were transported into the area by flowing water, and further displaced by extensive krotovina activity (emphasis added)." (LSA 12/14/07 Memo, Pg. 12). LSA then went on to recommend that the portion of the site tested be included within the overall site boundaries, but that it be determined a non-contributing element of the overall eligibility of the site, and thus could be destroyed.

First of all, it is already agreed that this site is register eligible and that it holds a tribal cultural significance. The entire village area is known as *Páavi* by the Pechanga people (which includes, but is not limited to, recorded archeological sites known as CA-RIV-393, CA-RIV-413, CA-RIV-398 and CA-RIV-414). As this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire site be avoided and preserved in place with no development activity to directly or indirectly affect this significant sacred area. Most recently, the Tribe took this position on the Villages of Lakeview Project. Since this MCP Project will also impact the *Páavi* site, the Tribe continues to take the same position here.

As the Tribe expected, during the Phase II work cultural items of a significant and ceremonial nature to Pechanga were uncovered. "At least three unique artifacts were discovered during the survey, a large granitic discoidal, a fragment of a quartz mano, and a mano with red pigment on it" (LSA 12/14/07 Memo, Pg. 8). These items are consistent with the high significance of the site and are representative of the types of items likely to be uncovered if this area is ever subject to development.

The Tribe asserts that this entire Site, 33-016598, including the area of the Site that is within the Project ROW, is eligible under the National Register Criteria. LSA's dismissal of the significant resources that were uncovered here, just because of a lack of stratigraphy, does not necessitate a conclusion that this site is not eligible or that this area of the site is "not a contributing component." The fact is, items of a significant and ceremonial nature were found in this area and there is no basis in archeological methodology to systematically discount them in this manner. While it may be important to note their limitations for scientific analysis, such limitations cannot be the determining factor in deciding eligibility, and there is no basis for making such a determination. Moreover, there appears to be no basis for discounting the value of the items found in order to make the determination that the area of the site within the Project ROW is not a contributing factor to the site as a whole. This is once again a piecemeal approach to assessing and evaluating sites.

In fact, this site is so culturally important that the Tribe believes that destruction of any portion of the site is a destruction of the totality of the site. The Tribe believes that all portions are contributing components to the overall integrity of the site as demonstrated by the presence of ceremonial items and the drawing of the site boundary to include this area. The theory that these items have all been transferred to this area by alluvial flow is just conjecture and we have been shown no definitive proof of such a theory. In addition, even if that theory was true, nature cannot be used as a reason to systematically piecemeal sites so that portions can be destroyed

because they are not in their original context. By utilizing this theory and methodology, it would necessarily follow that because of the passage of time and the events of mother nature, there would never be any site that would be register eligible. There is no site in existence that remains completely intact from its original usage. The items were not found miles away from the site such that there would be a question as to whether they were a contributing part of this site. We know these items came from this site. For register eligibility, it does not matter that these items may not be in their original context since they are present and part of the site.

This alluvial flow theory is just that – a theory. This theory also neglects to take into account any cultural explanation as to why the artifacts might be there. For instance, our ancestors gave accounts of a legend of a powerful páavawut, an evil serpent who lived in Mystic Lake and terrorized the people. Even though the people lived in the area because of the resources many stayed away from the water. The threat of the páavawut gave our ancestors a healthy respect for an immediate distance from the water. As such, concentrations of resources away from the main area may also be attributed to a cultural explanation.

In addition, there were two (2) burials of Native American human remains found in this area during development of a different project, known as the Inland Feeder Project. This was mentioned nowhere in the eligibility analysis or the prior archaeological documents provided to the Tribe. Such inadvertent discoveries must be accounted for in the environmental document for this Project because it is likely they will occur. We would hope that human remains and other inadvertent discoveries of a similar nature would not be treated in the same manner as the resources have been treated in this eligibility document, namely, that they will be written off because they are in an alluvial area.

Also, since the Tribe's position that no indirect impacts occur to the site because of its heightened cultural sensitivity, mitigation measures must be created to take such impacts into account.

In sum, because of this utmost cultural sensitivity of Site 33-016598, the significant cultural items that were found during the Phase II Program, and the high probability for inadvertent discoveries of a sensitive nature, the Tribe asserts that this Site is register eligible and that the portion of the site that is within the Project ROW be considered part of the overall eligible site.

**Site P-33-016678 / Site P-33-016679 / Site P-33-016680**

The LSA 12/14/07 Memo describes all three of these sites (P-33-016678, P-33-016679, and P-33-016680) as habitation and milling sites with visible surface artifacts, including milling features and slicks. All of the sites were recommended as ineligible for the register because of lack of subsurface components, disturbed and deflated contexts and paucity of subsurface artifacts. Even though items of a significant nature that did contribute to the scientific knowledge and cultural knowledge of the site were found, LSA dismissed these items solely

because their exact context had been compromised, i.e. they were not *in situ* (LSA 12/14/07 Memo, Pg 13 and 16).

As explained in the "Habitation" section above, the Tribe does not believe that the presence of disturbed and deflated contexts can be used as a reason to exclude sites from register eligibility on a wholesale basis. First of all, the Tribe believes that the analysis of these three sites was not conducted correctly because each site was analyzed individually without regard for the context. It is of utmost importance to point out that these three sites are located in extremely close proximity to one another, within approximately 5000 feet of each other. In addition, there are more than 150 sites surrounding these three (3) sites making them part of an entire habitation complex. Moreover, within this habitation complex several cupule boulders and a rock shelter are present, thus changing the categorization of these sites from simple milling features to integral portions of a village complex. The LSA 12/14/07 Memo failed to acknowledge this context and did not factor it into the eligibility assessment. The Tribe asserts that these three (3) sites are all connected and related to one another and that they are part of this complex of sites that exists within the area. As such, the Tribe views these sites as part of an entire village complex containing all of the components of a village complex, including habitation, ceremonial usage and religious usage. This assertion is supported by the resources that exist in the area combined with our cultural knowledge of the area and how our ancestors lived.

During Phase II excavations in the areas of the three (3) sites, items of a culturally significant nature were recovered such as obsidian flakes, an obsidian biface fragment, a jasper spear point, an igneous Elko point and a leaf-shaped point (possibly Pinto), a pottery sherd, a Rosegate series projectile point, a hammerstone, and a core. Even though these resources are without provenience, they are themselves, nevertheless, indicative of the usage and meaning of this area and add to the cultural and archeological meaning of the complex, further allowing us to assess settlement patterns, subsistence base and trade patterns of the entire region. For example, the jasper spear is proof that our ancestors hunted large game on or near the immediate area and is proof of an older village habitation area. This is a significant fact in and of itself because it denotes subsistence patterns and provides chronological information for the area. Resources such as these necessarily increase the significance and importance of the area it comes from because it will give us clues to specific purpose and use of this village and of its relationship to the nearby villages such as Boulder Springs or the Motte Reserve area. In addition, the jasper is considered a trade item as most jaspers come from the desert area. This gives an entirely new meaning to this complex as part of a possible trade route or stop between major villages. These sorts of occurrences cannot be ignored in an eligibility assessment of this area.

In addition, during the Phase II work Pechanga identified two definitive and at least three other, less definite cupule boulders in this area. For some cultures, these grooves are cut away for their dietary purposes; for others these marks define territorial boundaries, while others demark ancestral ceremonial-markers with cupules. One thing we can say definitively is: these cupule boulders are located at most permanent Luiseño village-complexes throughout Riverside and Northern San Diego Counties. Cupules, either vertical "wave-shaped" or horizontal "ridge-back," are found in almost all Luiseño complexes and villages. This is further proof that this

area is an actual village complex. As such, these sites must be analyzed as part of a village rather than as individual segmented features. Additionally, because these cupules are less definitive on this Rider Road-stretch where this three (3)-site complex is located, it is likely this area may have served as the ceremonial area prior to the people moving to Motte Reserve. In fact, near the Boulder Springs/Cajalco Creek village complex there are vertical wave-shaped boulders that appear to have "burned out" or have spent cupules upon them of the same manner. It's a possibility cupules found within this three (3)-site complex, deemed less definitive by LSA, are actually the ceremonial features which were abandoned for the creation of newer ones at another village location. The Tribe has been told that because the cupule boulders are outside of the Project ROW, they will not be incorporated into the project data. Site assessment cannot be limited because of ROW boundaries. We understand that the cupule boulders themselves will not be destroyed; however they must be utilized in the assessment of the sites that will be impacted by the Project. To not incorporate them is to conduct only a partial analysis of the site. Further, by ignoring these resources, impacts such as disturbance to the integrity of the boulders by blasting and heavy equipment vibrations will not be addressed; nor will indirect visual and dumping impacts be handled properly.

In sum, the Tribe disagrees with LSA's basis and conclusion regarding eligibility for these three (3) sites. The Tribe does not agree that the presence of disturbed and deflated contexts can be used as a reason to exclude sites from register eligibility. In fact, it seems that this reasoning is faulty and contradictory given that the LSA indicated in the AEP that, "These nine sites show signs of varying degrees of disturbance, although none is sufficiently disturbed that the loss of integrity would keep it from being considered significant (p. 33)." As such, the Tribe asserts these three (3) sites should be re-evaluated in conjunction with the surrounding sites to consist of one site, which is register eligible and thus deserves treatment accordingly.

#### **Site PP-33-016685**

Based upon the information provided to the Tribe, it doesn't appear that this site would be register eligible; but in this case, the Tribe does not have enough information on the site and the surrounding cultural resources to make a determination as to whether we agree with the conclusion in the LSA 12/14/07 Memo. The Tribe has requested information and maps of the sites in the area from LSA, but have been told that there is no such information to provide. Given the proximity to the larger site complex discussed above, it seems reasonable to the Tribe that the area surrounding this site would likewise contain numerous other discounted sites. As such, we request further consultation on this site to determine whether we agree with the preliminary recommendation that this site is not register eligible.

The Pechanga Tribe looks forward to working together with FHWA, Cal Trans, RCTC, the Project Archaeologist and other interested agencies towards a MCP Project alignment that

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RE: Comments on Preliminary Recommendations of Eligibility and Level of Effects  
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protects and respects the important cultural resources in the Project area and fulfills applicable tribal consultation requirements. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Laura Miranda  
Deputy General Counsel

Cc: Cathy Bechtal, RCTC  
Karen Swope, Project Archaeologist, CalTrans  
Nina Delu, LSA  
Carol Legard, ACHP  
Dwight Dutschke, OHP  
Susan Stratton, OHP  
Brenda Tomaras, Tomaras & Ogas, LLP  
Pechanga Cultural Resources Department

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## APPENDIX 2

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**PECHANGA INDIAN RESERVATION**  
*Temecula Band of Luiseño Mission Indians*

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June 20, 2008

Mr. Brian Chinchilla  
Project Planner  
County of Riverside  
Planning Department  
4080 Lemon Street, 9<sup>th</sup> Floor  
Riverside, CA 92505

**Re: Comments of the Pechanga Tribe of Luiseño Indians Concerning the Villages of Lakeview Draft Final Revised TVOL Report ("Mystic Paavo": Cultural Resources Survey and Evaluation of the Villages of Lakeview Specific Plan, Riverside County, California") and Currently Proposed Mitigation Measures for Cultural Resources Sites**

Dear Mr. Chinchilla:

The Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, submits this letter concerning the above referenced Project. The Pechanga Tribe is in receipt and has reviewed the *Mystic Paavo: Cultural Resources Survey and Evaluation of The Villages of Lakeview Specific Plan, Riverside County, California*, revised draft final dated February 2008 (Specific Plan No. 342, General Plan Amendment No. 720) ("Revised TVOL Report"). The Pechanga Tribe has been participating in the archaeological survey process and tribal meetings held by the County and Developer since the inception of the project. Further, the Tribe has previously submitted comments on the Notice of Preparation for the Environmental Impact Report, as well as responded to the SB18 Consultation request.

Additional comments may be submitted separately. The Pechanga Band requests that this letter be included in the record of approval for the Project.

**PECHANGA TRIBE'S CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area, which comprises the Project property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on projects in the nearby vicinity of the proposed Project, has been the named consulting tribe on projects in the vicinity of the proposed Project, and has specific knowledge of cultural resources and sacred places within/near the proposed Project.

The Pechanga Tribe asserts that the Project area is part of the Pechanga Tribe's aboriginal territory, as evidenced by the existence of Luiseno place names, rock art, pictographs, petroglyphs, and an extensive Luiseno artifact record in the vicinity of the Project. In particular, the Revised TVOL Report notes that the style of rock art found on the Project site is specifically associated with the Luiseno Indians, in particular the San Luis Rey style. Throughout their broad work in the archaeological field, D.L. True and the Museum of Man's Ken Hedges extensively described the San Luis Rey I and II rock art style. As quoted in Smith and Freers book, True indicated that 'diamonds, zigzags, chevrons, straight lines found often in vertical series are generally associated with late prehistoric and historic Luiseno populations' (pg. 26)<sup>1</sup>.

Further evidencing the connection between the San Luis Rey rock art style and Luiseno people are these descriptions of how the diamond chain pattern, which is uniquely San Luis style rock art, was incorporated into the Luiseno girls' ceremony. In 1892, Bureau of Ethnology anthropologist H.W. Henshaw compiled information on what was called the "Girls Ceremony." He wrote: 'that during the fourth new moon of the young girl's puberty rite, diamond shaped marks were painted vertically on the cheeks of the girls faces' (Smith & Freers, pg. 19). For Pechanga, the connection to the rock art images held a known meaning. J.P. Harrington would later cross-reference this same "face painting" information in his 1933 work entitled *The Luiseno Girls Ceremony*.<sup>2</sup>

It is no accident that the diamond chain rock art design occurs in our ancestor's discrete east-to-west waterways and village complexes. This diamond chain pattern is repeated at CA-RIV-61 in Mockingbird Canyon, CA-RIV-12 in south Lake Perris, CA-RIV-34 in Temescal Canyon and CA-RIV-393 at Lizard Shrine, which are all known to be Luiseno cultural areas. This four-sided geometric element is also echoed in preserved Luiseno basket designs, generally from late 19<sup>th</sup> century. The presence of this element can be identified in the San Jacinto, Salt Creek, and San Luis Rey River drainages, all located within known Luiseno territory.

Among southern California rock art aficionados, a rock art element has emerged that has currently only been identified in the San Jacinto and Salt Creek Drainages called painted-cupules. Author and rock art specialist Steven Freers wrote: 'the association of cupules at (these) and other sites suggests that this form of rock art may have been created as part of the boys' puberty ceremony' (Smith & Freers, 7). The Village of *Táawila*, CA-RIV-333, "Dead Dog site" CA-RIV-202 near *Páyvi*, and the *Páavo* RIV-393 cupule-cave at "Lizard Shrine" all exhibit painted-cupules, and are all Luiseno cultural areas. We surmise that archaeologists have mistaken the presence of pigment within the cupules for iron oxide—which often it is not. Like our Harrington place name research, for us it is no accident that we Luiseno continue to turn up the clues left to us by our Ancestor's in their places. Given what we currently know, Pechanga is suggesting that these painted-cupules are also distinctly Luiseno.

<sup>1</sup> Smith, Gerald and Steve Freers, 1994, *Fading Images: Indian Pictographs of Western Riverside County*, Riverside Museum Press, Riverside, CA

<sup>2</sup>

Moreover, today (in the early 21<sup>st</sup> Century), stands of the native plant jimson weed *datura metaloides*, are found directly next to each of these painted-cupule features. The jimson would have needed to be present for the *toalache* (toe-law-chay), or Luiseno boys' puberty ceremonial drink. Ethnographic research has yet to be compiled on this interesting feature within a cultural area, which only has been observed at Luiseño villages.

Further, even if the particular rock art is not definitively assigned to a particular time period, it can be used to identify land usage and tribal affiliation. Here, the Pechanga Tribe asserts that it is undisputed that the styles of rock art located on the Project area are specifically and uniquely assigned to the Luiseno tribes.

As is evident from the above discussion, the Pechanga Tribe has a wealth of cultural knowledge, supported by academic research, oral histories, songs, place names and art forms which both establish the Pechanga Tribe's specific connection to the *Páavo* area, but also demonstrates a long-standing Luiseño presence in the area.

The Tribe further asserts that this culturally sensitive area is affiliated specifically with the Pechanga Band of Luiseño Indians because of the Tribe's specific cultural ties to this area that we can further explain through continued consultations and comments. Pechanga considers any resources located on this Project property to be Pechanga cultural resources.

#### **PECHANGA DISPUTES THE SHOSHONEAN WEDGE THEORY AND THE ATTRIBUTION OF THE LUGO TESTIMONY TO THE CAHUILLA**

There are several statements within the Revised TVOL Report "Cultural Setting" and "Ethnography and Ethnohistory" chapters that are inconsistent with current research being conducted, and with which the Tribe disagrees.

##### **Cultural Setting**

Within the "Cultural Setting: Late Holocene" section, it is noted that there may have been an influx of Shoshonean People into the area approximately 1,500 years ago (Revised TVOL Report, 19). "The timing of the Shoshonean incursion is unclear, and it is unknown whether it took place as a single migration or multiple migrations over hundreds, or possibly thousands, of years" (*Id.*). The Tribe would like to point out that the "Shoshonean Wedge" theory is outdated and cannot be supported by current linguistic research.

Current linguistic evidence shows the break up of the Proto-Uto-Aztecan groups to be around 2,500 to 3,000 years before present. It is believed the Proto-Uto-Aztecan homeland was somewhere in northern Mexico, western Arizona and eastern southern California<sup>3</sup>, not the Great Basin as previously surmised. Takic languages, of which Luiseño is part of, are estimated to be at least 2,500 years old. This suggests the Takic speakers moved into their present homelands

<sup>3</sup> Campbell 1997; Hill 2001

1,000 years before the Numic speakers were in the Great Basin. Archaeologists use the "Shoshonean Wedge" theory to describe the southern descending movement of the Takic speakers into southern California; however, linguistic evidence does not support this hypothesis and in actuality supports a northern ascension. This is also supported by our oral history which states that the Luiseño lived in the area prior to "Shoshonean" influence or others who migrated to the area.

### Ethnohistory

Within the "Ethnography and Ethnohistory" section, the Revised TVOL Report maintains that Vicente Lugo and his wife were both Cahuillas from Soboba (Revised TVOL Report, 29). In actuality, Vicente Lugo was a Luiseño from "old" Pala who was a fluent speaker of Luiseño. He provided the Luiseño names of villages and points of interest on the place name trip he took with John P. Harrington around the Soboba, San Jacinto and Hemet areas (Harrington 3:119:431-435). Vicente also provided other Luiseño words on several pages of notes found elsewhere in Harrington's collection; nowhere does he provide Cahuilla terms (reels 115, 116). He moved to Soboba in 1891. He married Luisa Leona at Soboba. Luisa was from Soboba and spoke Luiseño, Cahuilla, the Serrano dialect of Soboba and the Serrano dialect of Morongo (Harrington 3:115:264).

Vicente's father, Leon Lugo, lived in the Pala valley (the old Pala village) and is buried in Pala cemetery. He died in 1885 before the allotments were assigned. Vicente said they lived on a "piece of land down below here (Pala) on the river bottom." (Vicente Lugo testimony for the Estate of Marina Lugo, Deceased "Old Pala" allottee No. 5, National Archives, Record Group 75, Pala Agency, Box 11, Folder 26828 Pala 1913). Vicente's mother was Soledad Nolish and she was from San Luis Rey. (Encarnaciona Lugo Ardilla testimony for the Estate of Marina Lugo, Deceased "Old Pala" allottee No. 5, National Archives, Record Group 75, Pala Agency, Box 11, Folder 26828 Pala 1913). Vicente's father's brother (uncle) was Geronimo Lugo who also lived in the old Pala village. One of Geronimo's sons was Eustaquio Lugo who lived at San Juan Capistrano for many years, but was also a fluent speaker of Luiseño. Eustaquio and his wife were some of Harrington's main consultants. Further, there is strong evidence that Vicente's great-grandfather, Pablo Lubaquish, was of a clan associated with Aguanga, a known Luiseño area. It is important to note that the Tribe previously raised these same issues with Mr. Lerch of SRI prior to the revisions of the archaeological report.

The Pechanga Tribe believes that there is ample linguistic and archaeological evidence to support its assertion of affiliation to the Project area. Further, it is Pechanga's position that the Revised TVOL Report is incorrect in implying that there is evidence to support a Cahuilla occupation of the area. This is addressed further in the attached confidential appendix.

## **TRIBAL CONSULTATION REQUIREMENTS**

### **A. THE COUNTY MUST CONSULT WITH THE PECHANGA TRIBE REGARDING THE PROJECT**

It has been the intent of the Federal Government<sup>4</sup> and the State of California<sup>5</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. The United States has a unique political and legal relationship with Indian tribal governments. In conformance with this unique relationship, the Federal Government recognizes the sovereign status of tribal governments and its obligation to deal with these tribal governments on a *government-to-government* basis. President Bush himself reaffirmed this responsibility in both his Executive Order 13336 and his Executive Memorandum of September 23, 2004.

The obligation to consult arises when tribal interests are affected by the actions of State governmental agencies and departments, such as approval of General Plans or EIRs. Therefore, in order to comply with CEQA, Section 106, and other applicable Federal and California law, it is imperative that the County and the Developer adequately consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the effects, as well as generating adequate objectives, policies and potential mitigation measures. In this case, it is undisputed that the Project area lies within the Pechanga Tribe's traditional territory and thus the Tribe should continue to be consulted on the Project impacts and mitigation.

### **B. SECTION 106 CONSULTATION REQUIREMENTS**

The requirements of Section 106 of the NHPA, set forth in 36 CFR Part 800, clearly requires consultation with Indian tribes, regardless of the location of the project (36 CFR 800.2(c)). The regulations go on to state that the agency official *shall* ensure that consultation provides an Indian tribe "a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects." *Id.* Further, consultation must occur early in the planning process in order to "identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties." *Id.*

It is the Tribe's request that the Lead Agency and all agencies and consultants involved commit to working with the Tribe to ensure it has meaningful participation in the environmental

<sup>4</sup> See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments; and Executive Memorandum of September 23, 2004 on Government-to-Government Relationship with Tribal Governments.

<sup>5</sup> See California Public Resource Code §5097.9 et seq. and Cal. Govt. Code §§ 65351, 65352, 65352.3 and 65352.4.

review process, which includes all archeological assessments and testing, as well as devising appropriate mitigation. As such, Pechanga is requesting to be included in developing appropriate mitigation for the protection of the sites within the Project. The Tribe also requests that such mitigation takes into account the Tribe's preferences and customs concerning treatment of archeological/cultural resources.

### **COMMENTS ON REVISED TVOL ARCHEOLOGICAL REPORT**

While it is the Tribe's belief that every archaeological/cultural site is significant or important regardless of size or component, the Tribe understands applicable cultural resources protection laws and always strives to work together with the consulting archaeologist and Lead Agency to both adequately investigate and evaluate cultural resources on a project site and to determine appropriate mitigation for all archaeological/cultural sites. The Tribe strives to assure that such mitigation not only complies with applicable laws, but honors and takes into account the Tribe's practices and preferences for cultural resources protection.

A total of thirty-one (31) sites were identified within the Project boundaries during the Phase I Survey; nineteen (19) of those are considered prehistoric. During the current excavation program, eighty-four (84) trenches and eleven (11) hand units were excavated for "the purpose of establishing the boundaries of known sites and testing for potential buried sites and site components." (Revised TVOL Report, pg. xix). Of these nineteen (19) sites, five (5) individual sites were combined into one (CA-RIV-8712) and a total of five (5) sites are recommended as eligible for the National Register of Historic Places (NRHP) (CA-RIV-397, -806, -1842, -4155 & 8712).

The Revised TVOL Report states that the level of research documented in this report is that of an Extended Phase I. Although this report concludes with eligibility recommendations (the endpoint of Phase II), and these satisfy the public reporting requirements of CEQA, the extent of trenching and hand excavation was not sufficient to allow complete planning of Phase III requirements." (Revised TVOL Report, pg. xix). The Tribe asserts that an eligibility conclusion cannot be determined from an Extended Phase I Program (XPI).

It was the Tribe's understanding that the excavations conducted on the sites within the TVOL project were solely to determine site boundaries and presence/absence of subsurface resources, of which the information would then be utilized to determine the probable extent of impact by the proposed development. It appears, instead, that the excavations were used for eligibility determination, rather than boundaries. This may have been done because tribes requested as little disturbance as possible. However, the Tribe believes that this is a misinterpretation of the tribes' wishes. The Tribe is not advocating for more excavation, but rather the appropriate type of excavation. Without this, it looks as if the XPI is an unnecessary middle step that actually results in more disturbances to the sites than just the traditional method of Phase II archeological testing because additional testing will now likely be necessary to complete the assessment and/or mitigation. The Pechanga Tribe believes that the XPI phase would not have been necessary with a precise and coordinated Phase II Program that identified

boundaries as well as eligibility and/or significance. Further, within the Revised TVOL Report, eligibility determinations were provided for sites that did not have any excavations conducted near the surface features (CA-RIV-394, -4156, -8703, -8704, -8705, -8706 and -8711). With the production of a comprehensive Phase II plan, the extensive number of trenches and hand units (95 total) could have included all impacted sites, not selected ones. It is important note that it appears that there are several sites (RIV-8703, -8706 and -4156) within the Project boundaries that can easily be avoided by placing them in the immediately adjacent open space areas. The Tribe does not recommend a Phase II Program be conducted on those sites, but that they be preserved.

With regard to the overall cultural and archeological analysis for this Project thus far, the Tribe disagrees with the methodology of assessing each archeological and cultural site separately. The Tribe asserts that scientifically assessing sites on a small-scale means the systematic and deliberate destruction of portions of village and habitation complexes, of which there are an increasingly diminishing number. If this destruction continues, the only remaining features of our villages will be small portions that have been chosen by archeologists to be "saved" based only on a scientific assessment and valuation of the site. This sort of methodology completely ignores the value of a site's contribution to the entire habitation area and the cultural importance of these villages and habitation areas.

Within the *Paavo* ' area, the concentrations of resources away from the main area may be culturally defined. Our ancestors gave accounts through oral traditions of a legend of a powerful *páavawut*, an evil serpent who lived in Mystic Lake and terrorized the people. Even though the people lived in the area because of the resources, many stayed away from the water. The threat of the *páavawut* gave our ancestors a healthy respect for an immediate distance from the water.

Additionally, almost all of the sites recorded consist of food processing areas that appear to be located near water sources and at an elevation of approximately 1600  $\pm$ 40 feet AMSL (excepting RIV-8711 which is at ~1760, but is immediately adjacent to a blue-line drainage). This is more than sheer coincidence. Analyzed from a cultural and scientific viewpoint, this can provide answers to settlement patterns, subsistence activities and/or regional interaction of the aboriginal inhabitants.

The Tribe asserts that all the prehistoric sites included in this study are socioeconomically and spatially related to each other and should be addressed as such; consequently resulting in a determination of significant for all "prehistoric" sites.

Furthermore, there were two (2) burials of Native American human remains found in this area during development of a different project, known as the Inland Feeder Project. This was mentioned nowhere in the Revised TVOL Report or the prior archaeological documents provided to the Tribe. Such inadvertent discoveries must be accounted for in the environmental document for this Project because it is likely they will occur again, and moreover, will add to the total significance of the cultural complex, as explained above.

**PROJECT IMPACTS TO CULTURAL RESOURCES  
AND CULTURALLY APPROPRIATE MITIGATION**

The Pechanga Tribe is not opposed to this development Project. The Pechanga Tribe's primary concerns stem from the Project's impacts on Native American cultural resources. The Pechanga Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as the Luiseno villages sites and other archaeological items which would be displaced by ground-disturbing work on the project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. As the County is aware, the Pechanga Tribe involves itself in these matters because its contributions and knowledge of the natural/cultural resources is not couched in the archeological or scientific importance of the resources, but in the cultural and sociological significance of the sites and places. The Pechanga Tribe contends that despite a lack of surface artifacts, subsurface sites and artifacts may be found throughout the development of this entire Project. As such, we request that the County take into account the Pechanga Tribe's cultural view of any such resources.

The Pechanga Tribe contends that the Project area contains highly significant sites which were created by the Tribe's ancestors. The Revised TVOL Report notes that at least five of the sites on the Project are both NRHP and CRHR eligible. Further, according to the Revised TVOL Report, these sites retain integrity of location, setting, feeling and association as well as being *in situ* (i.e., they had not been redeposited). (Revised TVOL Report, pgs. 238, 244.) The Tribe disagrees with the findings of ineligibility for sites CA-RIV-4156, -8703 and -8706.

The Report indicates that fourteen (14) sites are ineligible. Of these, eight (8) will be placed into open space (-2585, -8698, -8699, -8700, -8702, -8704, -8705 and -8711), which the Tribe agrees with. For these sites, the Tribe does not recommend further excavations, but requests that the sites be addressed in the overall management plan for long-term care. Three (3) sites have been extensively disturbed (-394, -4158 and -8707), and the Tribe is in agreement with the proposed mitigation, although it is important to note that these sites are part of the overall prehistoric use area and should be addressed as such within the document. The Tribe objects to the proposed recommendations for the remaining three (3) sites (RIV-8703, -8706 and -4156). According to the Revised TVOL Report, no excavations were conducted within the boundaries of any of these sites, yet they were deemed ineligible. According to the Conceptual Land Use Diagram provided to the tribes, these sites are located directly adjacent to the designated Open Space area. Therefore, the Tribe recommends that these three sites should be placed within the Open Space area with an adequate buffer for preservation.

With respect to those five (5) sites found as eligible, at least three (3) of these sites will be subject to some impact from the ground disturbing activities. Site CA-RIV-1842, according to the Revised TVOL Report (pg. 255), will likely be destroyed by grading activities. The Tribe does not agree with this recommendation and believes that preservation and avoidance of RIV-1842 is the best option as this site is an important component to the overall integrity of the prehistoric use of the area and has been deemed significant per NRHP and CRHR criteria. The

Tribe recommends that the site should be placed entirely in the proposed Open Space area with an adequate buffer to be determined once site boundaries have been identified. According to the Revised TVOL Report and the map on page D-9, only the western boundaries have been tested. Therefore, additional testing should be proposed for the remaining sides in a written plan, produced in consultation with the Pechanga Tribe, and monitored by a representative of the Tribe.

It is the Tribe's understanding that site CA-RIV-397 will suffer impacts. While the outcrop containing the rock shelter and rock art will be left in open space, the recommendation is to leave only a 25 foot buffer around the outcropping, thus subjecting any subsurface resources to direct impacts. The Tribe recommends that the entire site should be placed within the Open Space area, including the subsurface resources identified within trenches 25 and 26, and all other reasonably known subsurface resources. The Revised TVOL Report indicates that the midden extends to the west and north of the rock feature. In order to fully encompass the site, the buffer should be extended north and west, allowing a larger buffer around this area to ensure that no additional subsurface resources are impacted. Further, the Tribe requests that no additional excavations occur at this site as the current level of exploration is acceptable to set the site buffer.

Finally, while a large portion of site CA-RIV-8712 will be preserved in open space, portions of the site are slated for destruction. This is proposed despite the fact that the Revised TVOL Report (pg. 243) notes that the greatest potential for buried cultural materials is in the CA-RIV-8712 area. Habitation sites are of utmost importance to the Tribe because they are the last physical remains of where our ancestors lived. They contain information and data that are reflective of every aspect of tribal culture. As this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire site be avoided and preserved in place with no development activity to directly or indirectly affect this significant sacred area. Most recently, the Tribe took this same position on the Mid-County Parkway Project. Since the TVOL Project will also impact *Paavo'*, the Tribe continues to take the same position here. In fact, this site is so culturally important that the Tribe believes that destruction of any portion of the site is a destruction of the totality of the site.

The Revised TVOL report indicates that excavations have occurred over much of the site during the current project, the Mid-County Parkway and the Inland Feeder Projects (pg. 51). The Tribe recommends that no further excavations should occur within the site boundaries. A significant amount of scientific data and cultural artifacts have already been recovered from the site, including the knowledge that burials are present, and additional excavations can only destroy the site more. Further, the Revised TVOL Report indicates that a Phase II Program would need to be implemented so that a Phase III Program could be conducted (pg. 7). The Tribe disagrees and again, asserts our recommendation that the entire site should be avoided.

Additionally, while the recommendations note that the closest development to the significant rock shelter/rock art feature, the Lizard Shrine, would be 575 feet away, the report also notes that the toe of slope may require some grading for the purpose of ensuring proper drainage (Revised TVOL Report, pg. 253). The Tribe will need more detailed information as to

where and what type of grading is anticipated in order to determine the actual impacts to the site and an adequate buffer.

A major problem that the Tribe has been observing over the last few decades is the shift in archaeological practices which look at these resources on an individual scale, on a project-by-project basis. This piecemeal type of assessment belies the fact that many of these sites are much larger complexes, and thus results in evaluations of the sites as not being significant. Because of this approach, very little regional research had been conducted within the Riverside County area to connect the dots. This has resulted in the systematic destruction of villages and habitation areas, and the Tribe, again, objects to this methodology.

As the County is aware, the Pechanga Tribe involves itself in these matters because its contributions and knowledge of the natural/cultural resources is not couched in the archeological or scientific importance of the resources, but in the cultural and sociological significance of the sites and places. The Pechanga Tribe contends that even if there is a lack of surface artifacts, subsurface resources or artifacts at certain sites that the entire cultural complex located on the Project area is culturally significant to the Tribe and should be deemed eligible in its entirety. As such, we request that the County take into account the Pechanga Tribe's cultural view of any such resources.

The Pechanga Tribe looks forward to working together with the County, the Developer, the Project Archaeologist and other interested agencies towards a mitigation program that balances the interests of all interested parties and fulfills applicable tribal consultation requirements. If you have any questions, please do not hesitate to contact me at (951) 676-2768, Ext. 2137 or Anna Hoover, Cultural Analyst at (951) 308-9295. Thank you.

Sincerely,



Laura Miranda  
Deputy General Counsel

Cc: Leslie Mouriquand, Riverside County Archaeologist  
Lewis Operating Corporation  
Brenda Tomaras, Tomaras & Ogas, LLP  
Mike Lerch, SRI

## APPENDIX 3

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**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

June 18, 2009

Mr. Matt Straite  
Project Planner  
County of Riverside TLMA/Planning Department  
4080 Lemon Street, 9<sup>th</sup> Floor  
Riverside, CA 92502

**Re: Comments by the Pechanga Tribe of Luiseño Indians Concerning the *Mystic Paavo*' Archaeological Study Conducted for The Villages of Lakeview Draft Environmental Impact Report No. 471, SSH No. 2006071095, February 2009, Specific Plan No. 342, Change of Zone No. 07055, General Plan Amendment No. 720 & 721**

Dear Mr. Straite:

This correspondence is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign tribal government, in response to the *Mystic Paavo*' archaeological report prepared for the above referenced The Villages of Lakeview Project (TVOL), as part of our continuing consultation pursuant to applicable federal, state and local laws. The Tribe requests to continue its consultation with the County of Riverside concerning the environmental impacts on the Project.

The Pechanga (*peh-CHONG-gah*) Tribe has been the consulting tribe on several projects in the vicinity of the proposed Project and has specific knowledge of culturally sensitive and sacred places within and near the proposed Project. As will be demonstrated below using linguistics, oral traditions and ethnographic accounts, the Tribe asserts that the Project property is located within Luiseño ancestral territory and the Tribe is culturally affiliated with the geographic area. Additionally, within the Project and surrounding vicinity, place names, *tóota yixélval* (TOH-ta yi-HEL-vahl)-rock art, and an extensive artifact record have been identified and associated with the Luiseño People. It is because of this knowledge that the Tribe has a specific cultural and legal interest in the TVOL project. Pechanga considers any resources located on this Project property to be Luiseño cultural resources.

We request that this correspondence be part of the official record for the approval of this Project.

Chairperson:  
Germaine Arenas

Vice Chairperson:  
Mary Bear Magee

Committee Members:  
Evie Gerber  
Darlene Miranda  
Bridgett Barcello Maxwell  
Aurelia Marruffo  
Richard B. Searce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

Monitor Supervisor:  
Jim McPherson

### PECHANGA CULTURAL AFFILIATION TO THE PROJECT AREA

D. L. True, C. W. Meighan, and Harvey Crew<sup>1</sup> stated that the California archaeologist is blessed "with the fact that the nineteenth-century Indians of the state were direct descendents of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors." Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that anthropological and linguistic theories as well as historic accounts are important in determining traditional Luiseño territory, the Pechanga Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions. Luiseño history begins with the creation of all things at 'éxva Teméeku (EHK-vah Te-MEH-koo), known today as Temecula. The first people or *Káamalam* (KAH-mah-lam) were born at this location and dispersed to all corners of creation (what is today known as Luiseño territory). The last of the *Káamalam* born was *Wuyóot* (We-YOUGHT). He was innately gifted with *ayélkwish* (ah-YELL-kwish) or knowledge, and he learned how to make the first food, *tóovish* (TOH-vish, white clay), to feed the *Káamalam*. It is said *Wuyóot* gave the people ceremonial songs when he lived at 'éxva Teméeku.<sup>2</sup> While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the TVOL project area.

According to the creation narratives, *Wuyóot* was poisoned, and in an attempt to be cured, he visited several hot springs within Luiseño territory. The First People followed *Wuyóot* throughout the territory and he named the places as they traveled. Upon *Wuyóot*'s death, he was taken to 'éxva Teméeku and cremated. *Wuyóot*'s passing was the first death of the *Káamalam* and they were frightened by the event. A traditional song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino and then to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula.<sup>3</sup> After a Grand Council of the *Káamalam*, they dispersed from 'éxva Teméeku, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called *Monívol* (moh-NEE-vull), speak of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact migration route of the Temecula people and the landmarks made by each to claim title to their places.<sup>4</sup>

<sup>1</sup> D. L. True, C. W. Meighan, and Harvey Crew. Archaeological Investigations at Molpa, San Diego County, California, *University of California Press* 1974 Vol. 11, 1-176

<sup>2</sup> Constance DuBois 1908. The Religion of the Luiseño Indians of Southern California. *University of California Publications in American Archaeology and Ethnology* 8(3):69-186.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid, p.110.

### PECHANGA TERRITORY BOUNDARY

The Tribe disagrees with ethnographic territory as discussed and accepted in the *Mystic Paavo* Report for The Villages of Lakeview Project by Statistical Research, Inc.<sup>5</sup> (hereinafter, the *Paavo* report). The following discussion is intended to clarify the Tribe's Territory determination.

To date, the Pechanga Tribe has had to contend with as many as eight different representations of their Territorial Boundaries (Confidential Appendix 1). Many years of internal research have resulted in the Boundary shown in blue as the preferred Boundary recommended by the Tribe. The Pechanga Tribe's knowledge of our ancestral boundaries is based on information passed down from our elders through songs and stories; published academic works in the areas of anthropology, history and ethno-history, and through unpublished ethnographic and linguistic field notes. Many anthropologists and historians who have proposed boundaries of the Luiseño traditional territory have included the project area in their descriptions (Kroeber 1925<sup>6</sup>; Drucker 1939<sup>7</sup>; Heizer and Whipple 1951<sup>8</sup>; Smith and Freers 1994<sup>9</sup>). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseño territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

### CULTURAL LANDSCAPES MUST BE PROPERLY ADDRESSED AND INTERPRETED

In addition to problematic territory boundaries as defined by ethnographers and anthropologists, the Tribe finds the discussion in the *Paavo* report in the Cultural Landscape Section to be just as problematic. True and Waugh (1982)<sup>10</sup> pointed out that

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<sup>5</sup> *Mystic Paavo: Cultural Resources Survey and Evaluation of The Villages of Lakeview Specific Plan, Riverside County, California* Edited by Michael K. Lerch and Amanda C. Cannon. Prepared for Nuevo Development Corporation by Statistical Research, Inc., Redlands, California Technical Report 05-34, December 2008, p. 22.

<sup>6</sup> Alfred L. Kroeber 1925. *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, Government Printing Office, Washington D.C.

<sup>7</sup> Phillip Drucker 1939. Culture Element Distribution, V, Southern California. *University of California Publications in American Archaeology and Ethnology*, Vol. 1.

<sup>8</sup> Robert F. Heizer and M.A. Whipple 1951. *The California Indians*. University of California Press, Berkeley.

<sup>9</sup> Gerald A. Smith and Steven M. Freers 1994. *Fading Images: Indian Pictographs of Western Riverside County*. Riverside Museum Press, Riverside, Ca.

<sup>10</sup> True, D. L. and George Waugh. Proposed Settlement Shifts during San Luis Rey Times: Northern San Diego County, California. *Journal of California and Great Basin Anthropology* 1982, 4(2):34-54.

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the Luiseño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that either pre-contact or post-contact San Luis Rey Luiseño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that were situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to "village" organizations. In other words, the Luiseño people had developed a very complex sense of community and permanent Settlement Pattern; it was embedded in their Social History.

Kroeber (1925) and Heizer (1978) used ethnographic data to describe the Luiseño Indians' settlement pattern as consisting of permanent villages of 75 to 200 people located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. It has also been suggested ethnographically that frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Expanding on Kroeber and Heizer's general description, True and Waugh<sup>11</sup> described Luiseño settlement patterns as;

*The bipolar settlement pattern of the San Luis Rey was represented by relatively permanent and stable villages (both winter and summer), inhabited by several groups exploiting well-established territories and resources that were defended against trespass (we follow Flannery [1976:164] in using "village as a generic term for any small permanent community"), they saw this as a result of a reasonably long process of adaptation during which several strategic changes take place in settlement location patterns and in procedures for collecting resources. These strategic changes included a "trend toward the congregation of people along the major tributaries, with each tributary and its immediate environs occupied and exploited by a family-based kin group of some kind.*

Of great importance to the Luiseño people is how this would look on the landscape. For example, during his visit to Luiseño settlements in the La Jolla region in 1901, Merriam noted that "in many cases the Indians have great masses of tuna, 10-20 feet high, about or near their adobe houses" which "are not near together but scattered about, usually 1/8 or 1/4 of a mile apart and on a cleared place surrounded by chaparral."<sup>12</sup> Luiseño settlement patterns have also been described ethnographically by Sparkman<sup>13</sup> and Strong<sup>14</sup> as sedentary and territorial, with the extended families residing

<sup>11</sup> True and Waugh 1982, p. 35

<sup>12</sup> Merriam, C. Hart. *Studies of California Indians*. The Staff of the Department of Anthropology of the University of California, eds. Berkeley: University of California Press, 1955

<sup>13</sup> Sparkman, Philip Stedman, *The Culture of the Luiseño Indians*. University of California Publications in American Archaeology and Ethnology 1908, 8(4).

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in villages with individual living areas separated anywhere from ¼ of a mile to ½ a mile apart. The proposal that a village foot print covers an expansive area, with each family having its own milling feature is supported by Bean when he argues that "homes were located some distance apart to provide privacy for families, if terrain permitted."<sup>15</sup> Bean and Smith also suggest that "a village might occupy three to five square miles."<sup>16</sup> While Oxendine's<sup>17</sup> dissertation is often cited when discussing late prehistoric village attributes and locations, little has been done to expand on her definition of a village foot print. The idea that villages could cover an expansive area is supported by *Archaeological Investigations at Molpa, San Diego County, California*. Here, True et al<sup>18</sup> suggest that the larger outcrops containing multiple milling features are community milling areas and that each group or family within the community had its own specific milling boulder. In other words "each group then had its milling area and each family woman had her mortar or group of milling elements." To support this claim, True et al. gives the following example: The milling stones located at Silver Crest (Palomar Mountain State Park) belonging to the adjacent Pauma Village were identified by Max Peters as the property of a specific family. Each family had its own "place" and each mortar hole belonged to a particular "lady." "If the pattern at Molpa in protohistoric times followed that of the adjacent Pauma Village, it is likely that these "holes" were passed down from mother to daughter and were used until they became too deep to be functional."<sup>19</sup> Thus there is support for the Tribe's assertion that each milling feature signifies an integral portion of the much larger village present at the site.

**PECHANGA COMMENTS ON THE VILLAGES OF LAKEVIEW MYSTIC**  
**PAAVO' REPORT**

**CULTURAL SETTING: Prehistory (p 16-21)**

While our Creation story maintains that the Luiseño people were created and thus have always lived in this area, Luiseño history is not discussed until the late Holocene section of the *Paavo'* report. On pages 19 through 21, the authors move back and forth from a discussion on what they term the 'Shoshonean intrusion of Takic speakers', noting "Late Holocene cultures in southern California reflect both in situ cultural adaptations in response to environmental changes as well as outside influences from the apparent influx of Shoshonean (Takic-speaking) populations from the desert regions." They then argue "as with the earlier periods, cultural distinctions are often blurry and based on subtle

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<sup>14</sup> Strong, William D. *Aboriginal Society in Southern California*. University of California Publications in American Archaeology and Ethnology 26, 1929

<sup>15</sup> Bean, Lowell J. *Mukat's People: The Cahuilla Indians of Southern California*. University of California Press, Berkeley, 1972, p. 71

<sup>16</sup> Bean, Lowell J. and Charles R. Smith. Serrano: In *Handbook of North American Indians, Volume 8, California*, edited by Robert Heizer, Smithsonian Institution, Washington D.C., p. 43.

<sup>17</sup> Oxendine, Joan. *The Luiseño Village During the Late Prehistoric Era*. Ph.D. Dissertation, University of California, Riverside, 1983

<sup>18</sup> True et al 1974 p. 43

<sup>19</sup> Ibid 1974 p. 43

differences,” and eventually discussing the “ethnographic Cupan [Luiseno, Cupeño, and Cahuilla] as representing a fairly recent Uto-Aztecan intrusion. This reference to a recent intrusion is made after noting “that it is unclear whether it took place as a single migration or multiple migrations over hundreds, or possibly thousands, of years.”

Archaeologists often utilize various theories to try to explain the ethnographic history of an area. For instance, the Tribe has found it is common to use San Luis Rey I and II as cultural adaptations which are associated with the San Luis Rey Mission Indians and the Numic spread and/or the Shoshonean intrusion. The Tribe would like to point out that Shoshonean is a language within the Numic family of languages and is directly associated with the Great Basin area of California and Nevada. The Luiseno language belongs to the Takic family of languages and is generally associated with the southwest and Northern Mexico. While both the Numic and Takic families of language belong to the greater grouping of Uto-Aztecan languages they are separate and distinct families, as are the languages in each family. As pointed out above and argued below, misinterpretation of these associations often lead to misrepresentation of Luiseno Territory and life ways.

In the Project area, the authors argue for desert-cultural influences during the late-historic period represented by the San Luis Rey culture. The authors support this argument and cite Meighan (1954) and True (1966, 1974 and 1991) stating the San Luis Rey culture is equated with the historically known Luiseno. The San Luis Rey culture is commonly subdivided into two phases: San Luis Rey I (A.D. 1400 -1750) and San Luis Rey II (A.D. 1750-1850) based on the absence or presence of ceramics, cremation urns and rock paintings and generally associated with the Shoshonean intrusion and/or wedge theory. The archaeological theory of the Shoshonean intrusion and/or wedge is problematic at best as the Cupan Takic speakers do not speak Shoshonean—the Shoshonean language is categorized as part of the Numic branch of Uto-Aztecan which is located in the Great Basin and is considered by linguists to be younger than the Takic languages. In addition, Sutton (2009) has suggested that the Cupan speaking people may have arrived in this area as early as 3000 BP. Using San Luis Rey I and II to argue for a recent intrusion of a separate Shoshonean Cultural Tradition directly contradicts the information provided in the *Paavo*’ report as well as the original authors of these theories.

#### **CULTURAL SETTING: Ethnography and Ethnohistory (p 21-26)**

Some of the conclusions in the *Paavo*’ report are based on linguistic analysis we find to be inaccurate, as discussed within. We acknowledge the ethnographic information for the area that includes TVOL is scarce; however there is ample evidence that supports Luiseno occupancy over other tribes which will be provided in the following pages.

The use of certain ethnographic maps in the *Paavo*’ report is problematic, especially when ethnographers often change their tribal territory boundaries for each new

study or publication. For example, the map in Bean and Saubel<sup>20</sup> (1972), which was not referenced in the *Paavo* report, clearly shows the Project area in Luiseño territory (see Figure 1).<sup>21</sup> The map in Bean's 1972 work<sup>22</sup>, which is almost identical to the Bean and Saubel map, is referenced in the *Paavo* report, but prefaced with a statement indicating it was adapted from work conducted by A.L. Kroeber.<sup>23</sup> On this map, the Project area is labeled "tribal occupancy unclear."<sup>24</sup> However, in 1978, six years later, Bean's<sup>25</sup> Cahuilla territory map is greatly altered from the earlier studies and extends the tribal boundary into what was previously associated with the Luiseño. SRI also notes that "the project area is remarkably devoid of [Cahuilla] place names."<sup>26</sup> Upon reviewing Bean's 1978 map, it shows Cahuilla territory extending north and west to Riverside. However the entire area west of the San Jacinto Mountains on Bean's 1978 map is indeed lacking Cahuilla place names demonstrating a lack of support for Bean's revision.<sup>27</sup> All the Cahuilla locations which exhibit names on the map are in the Cabazon Valley, east of the Santa Rosa Mountains and east of Palomar Mountain. The places named in the northwest region of Cahuilla territory, which the Luiseño believe to be their territory, share the same locational names (Figure 2).

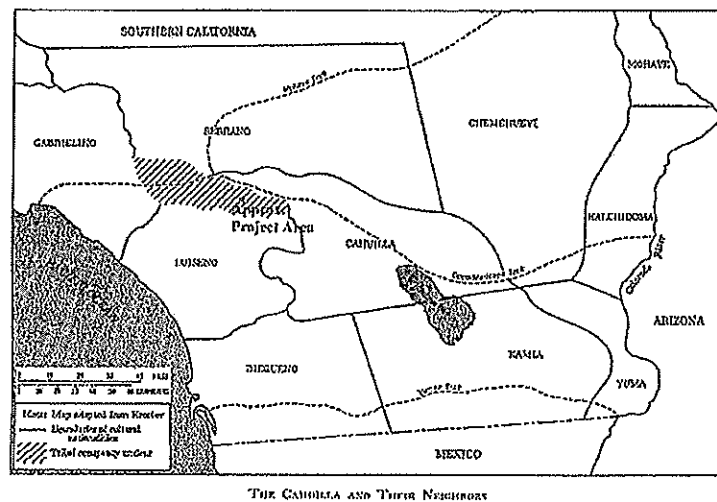


Figure 1: Bean 1972, front piece.

<sup>20</sup> Bean, Lowell J., and Katherine S. Saubel. *Temalpakh (from the Earth): Cahuilla Indian Knowledge and Usage of Plants*. Malki Museum Press, Banning, California, 1972

<sup>21</sup> Bean and Saubel 1972, p. 8

<sup>22</sup> Bean 1972 frontpiece

<sup>23</sup> Kroeber 1925.

<sup>24</sup> Bean 1972

<sup>25</sup> Lowell J. Bean 1978. Cahuilla. In *Handbook of North American Indians, Volume 8, California*, edited by Robert Heizer, pp. 575-587, Smithsonian Institution, Washington D.C.

<sup>26</sup> Lerch and Cannon 2008, p. 22

<sup>27</sup> Bean 1978, p. 576



Figure 2: Bean and Saubel, 1972, p. 8. Note on both of these maps, Luiseño territory is much larger than depicted on the Luiseno and Cahuilla map in Bean 1978.

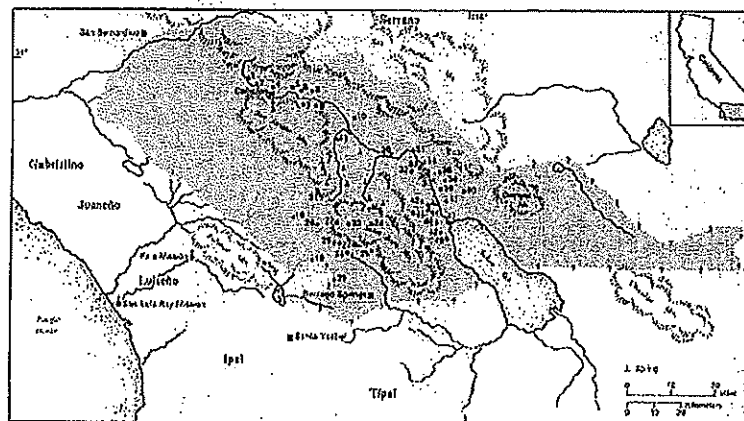


Fig. 1. Tribal territory and villages. 1, rjéat; 2, púataga; 3, hénar; 4, udqil; 5, púakoa; 6, hénar; 7, tákpa; 8, udakl; 9, udqil; 10, Pata Springs; 11, púat; 12, púat; 13, Pastawha; 14, udqil; 15, púat; 16, udqil; 17, udqil; 18, udqil; 19, udqil; 20, udqil; 21, púat; 22, Nalcú; 23, udqil; 24, Old Santa Rosa Indian Ruins; 25, Ataki; 26, tákpa; 27, Wilya; 28, udqil; 29, púat; 30, Kúat; 31, púat; 32, udqil; 33, púat; 34, púat; 35, Cochella; 36, púat; 37, Thermal; 38, udqil; 39, púat; 40, udqil; 41, púat; 42, udqil; 43, udqil; 44, púat; 45, púat; 46, Atamo; 47, púat; 48, Agua Dulce; 49, udqil; 50, udqil.

Bean 1978, p. 576. Note the highlighted area was part of Luiseño territory in Bean 1972 and Bean and Saubel 1972 and is devoid of Cahuilla place names.

It is noted that both of Bean's maps created in 1972 are clearly adapted from Kroeber<sup>28</sup> however SRI supplements the lack of Cahuilla place names on the Bean 1978 map with ethnographic information from Francisco Patencio's *Stories and Legends of the Palm Springs Indians*.<sup>29</sup> Several of Patencio's stories are referenced as providing information that would "[support] Bean's interpretation that the project area is in Cahuilla territory."<sup>30</sup> However, upon review of Patencio's stories, they are accounts of the First People and their travels, of which several appear to be part of the Cahuilla Bird Song repertoire. The story "Some of the Early People" is about the First People who flew to particular mountains, named them and then their descendants settled in the Santa Rosa Mountains and San Felipe Valley, which is located southeast of Los Coyotes Reservation.<sup>31</sup> The Luiseño also have names for these mountains, but they do not claim they are in their territory. "Esel I hut" is about a man who is traveling from the north and passes through "Moreno country", "Hemet Point", and arrives at a village at "the end of the Santa Rosa range...the place of the *Mo moh pechem* people" where he slays the sky animal, *To quassito hot* and from there he travels on to Imperial Valley.<sup>32</sup> In the migration story "Yellow Body, Head Man of Moreno", it is said that he lived "in the west side of Deep Canyon with his people, and called the place *Pan ox su*, which was the name of the tribe,"; however, he sent his family to live at Santa Rosa Mountain and, as the story goes, he went to the "desert on the other side of the mountain in which were settled many people, and lived there among them."<sup>33</sup> This story is similar to the Acjachemen (Juaneño) migration account, even though the Acjachemen territory is a hundred miles from the Cahuilla in the area of San Juan Capistrano. Their first leader left the village of *Sejat*, which is in Gabrielino territory and is a known Gabrielino village, and relocated to a place they named *Putuitum*.<sup>34</sup> The Acjachemen today recognize *Sejat* as a Gabrielino place and do not claim any ties to that area, even though their creation story says they originated from that location. In other words, even though the story speaks to traveling through a particular area, it does not mean that the tribe claims that area as part of its aboriginal territory.

Furthermore, the *Paavo'* report also refers to other versions of Patencio's stories which were recorded later with Catherine Sauvel (see also Saubel). Two in particular, "*Kúnvaxmal* and the Lizards" and "*Kúnvaxmal* and the *Yángva'am* Lizards" are said to discuss the Project area, however, both of these stories do not provide any geographic clues to pinpoint the location of the home of the *yángva'am* lizards.<sup>35</sup> Another account told by Sauvel entitled "Mystic Lake" is interpreted in the *Páavo'* report as a description

<sup>28</sup> Kroeber 1925.

<sup>29</sup> Patencio, Francisco. *Stories and Legends of the Palm Springs Indians*, Privately Printed, Caroline S. Snyder, Palm Springs, 1943.

<sup>30</sup> Lerch and Cannon 2008, p. 22.

<sup>31</sup> Patencio 1943, p.33-34.

<sup>32</sup> Patencio 1943, p.35-37.

<sup>33</sup> Patencio 1943, p. 37-40.

<sup>34</sup> Boscana, Geronimo Fr. *Chinigichinich*. Malki Museum Press, 1978.

<sup>35</sup> Sauvel, Catherine S. and Eric Elliott. *Isill Hégwas Wáxish: A Dried Coyote's Tail*. Malki Museum Press, Banning, California, 2004, pp. 866-867.

of "the study area as being within Cahuilla territory and also relates that Mystic Lake and the Lakeview area had a Cahuilla name;" however, upon reviewing this story, Sauvel does not state the area is Cahuilla territory, but only that the Cahuilla have a name for the lake.<sup>36</sup> As noted previously, simply naming a location in a story does not mean it is being claimed as part of the tribe's territory. Therefore, the stories discussed above do not necessarily support the conclusion that the project area is Cahuilla territory as proposed in the *Pdavo'* report.

The *Pdavo'* report later states "the project area was occupied by the Luisefño" on Kroeber's map<sup>37</sup>, which is then refuted with ethnographic studies conducted five decades later by Raymond White, who concluded the Luisefño movement into Soboba and Aguanga "occurred sometime after 1800."<sup>38</sup> However, White acknowledges that his studies were not superior to Kroeber's by stating:

"The changes herein described and subscribed to with great caution cannot in any way detract from the pioneer studies of Kroeber. Improved transportation has permitted a better examination of the natural features of terrain, and some additional critical studies of the remnants of the Luisefño have been made. Nevertheless, none of the boundaries described can be considered hard and fast. Kroeber himself in 1925 (p. 616) noted that the opportunity to prepare an exact map had passed away fifty years before. Thus no criticism can be implied; at best only 'corrections' can be offered."<sup>39</sup>

Also the generational difference between White and Kroeber's consultants needs to be considered. Kroeber, as well as Harrington, interviewed consultants that lived a full generation before the people White interviewed. Kroeber's territory boundary information was collected in 1903 and 1904 from consultants of various tribal affiliations.<sup>40</sup> Additional unpublished information about the Luisefño eastern territory boundary was provided by Harrington's Diegueño consultant Angel Quilp, who was said to be about 100 years old in 1925. Quilp told Harrington:

"the very imp[ortant] tradition he has heard that the San Luisefños were originally in the Cahuilla Valley and that they were driven out of there by a war with the Cahuillas. The S. Luisefños then came down by Aguanga. An. [Angel] added that this is a tradition he has heard."<sup>41</sup>

<sup>36</sup> Lerch and Cannon 2008, p. 22.

<sup>37</sup> Ibid, p. 23.

<sup>38</sup> White, Raymond C. *Luisefño Social Organization*. Publications in American Archaeology and Ethnology 48(2):91-194. University of California, Berkeley, 1963, p. 105.

<sup>39</sup> Ibid.

<sup>40</sup> Kroeber, A. L. Shoshonean Dialects of California. *University of California Publications in American Archaeology and Ethnology*, 4(3):66-165, 1907.

<sup>41</sup> John P. Harrington 1986. *The Papers of John P. Harrington in the Smithsonian Institution 1907-1957. Microfilm Volume 3 Californian Basin*. Kraus International Publications, White Plains, N.Y. This place

name trip can be found on reel 1-19, frame 083.

This statement suggests Quilp heard this information from his elders who possibly lived before or during missionization. Kroeber may have learned the same information from his Luiseño consultants who were of Quilp's generation, thus drawing his Luiseño eastern border to include Soboba and Aguanga up to San Jacinto, Tahquitz and Cahuilla Peaks points which are along the boundary (Figure 3).



Figure 3: Kroeber's map, 1925. Highlighting added on northern and eastern Luiseño territory boundaries.

In addition, the village of *Sovovo* (now known as Soboba) is from the Luiseño word *Suvóowu* (*Shoe-VOH-woo/Sovovo*), which is derived from *Suvóowut* (*Shoe-VOH-wut*) meaning 'winter'.<sup>42</sup> The Cahuilla word for 'winter' is *táamiva* (*TAH-me-vah*).<sup>43</sup> If indeed the Luiseño territory extended further east, then *Sovovo* would have been the winter village for the Luiseño populations living at the higher elevations. The *Paavö* report also includes ethnographic information that suggests Soboba was originally occupied by Serrano, thus associating the Project Area with the Serrano due to its proximity to San Jacinto. A quote included from anthropologist Herbert Harvey, which was cited from Oxendine<sup>44</sup>, discusses the population at Soboba in the 1850's. Harvey's actual statement says Soboba "in the 1850's, consisted mainly of remnant Serranos who were the aboriginal occupants of Saboba (sic), and Cahuilla, attracted there by employment opportunities afforded by the Rancho San Jacinto."<sup>45</sup> Since Harvey's report was strictly on the Luiseño, he does not elaborate on this statement or offer any references for this information. As such, it is unclear as to how he interpreted the Luiseño presence.

Most of the ethnographic evidence suggests the Cahuilla moved into the areas adjacent to the project area after European contact. Kroeber's 1907 article "Shoshonean Dialects of California" includes information on territory boundaries for each of the southern California Uto-Aztecan languages. With information provided by consultants, BIA agents, and historic accounts, he determined the Cahuilla moved into the San Bernardino area during the 1840s-1850s.

"San Bernardino valley has been attributed both to the Cahuilla and the Serrano. The Indians now living in the valley are mainly Serranos, and the statements of Indians in other parts of Southern California also give this fruitful region to the Serrano as part of their original habitat. ...Dr. John R. Swanton of the Bureau of American Ethnology has kindly furnished the information, supplied him by a Serrano school girl named Morengo, on the authority of her uncle, that her people formerly occupied San Bernardino valley and San Geronimo pass to a point eastward just beyond Banning, but not the San Jacinto mountains. ...Statements made by the Yuman Mohave strengthen the probability that San Bernardino belonged to the Serrano. San Bernardino and Colton, they say, belonged to the Hanyuvecche, the Serrano. The Hakwiche or Cahuilla were not there. The San Bernardino mountains as far east as north or northeast of Indio belonged to the Serrano and not to the Cahuilla. The San Jacinto mountains were Cahuilla."<sup>46</sup>

<sup>42</sup> Eric Elliott. Luiseño Dictionary. Ph.D. Dissertation, University of California, San Diego. 1999

<sup>43</sup> Eric Elliott. Personal Communication, 2008.

<sup>44</sup> Oxendine 1983 p. 16.

<sup>45</sup> Harvey, Herbert R. The Luiseño: An Analysis of Change in Patterns of Land Tenure and Social Structure. In *California Indians II: Indians of California: A Collection of Maps on Tribal Distribution*, edited by Robert F. Heizer, pp. 97-206. Garland Publishing Inc., New York, 1974, p. 157.

<sup>46</sup> Kroeber 1907, p. 132-133.

Kroeber also proposes the Cahuilla were "brought by the Franciscans to the San Bernardino mission station attached to mission San Gabriel, and this fact may be responsible for the statements assigning this region to the Cahuilla."<sup>47</sup> Strong concurs with Kroeber's statement and verified the information with one of his Mountain Cahuilla consultants, Alec Arguello, who stated he had lived in the San Timoteo pass.

"five Mountain Cahuilla clans under the leadership of Juan Antonio, a well known captain, were brought to the district in about the year 1846. They settled first at the village of pulatana near Jurupa (Riverside), and later moved to sahatapa in the San Timoteo canyon near El Casco. They remained there until some time in the decade between 1850 and 1860 when the group was nearly exterminated by a smallpox epidemic."<sup>48</sup>

Barrows, writing in the mid-1890's, recorded the following information about the Cahuilla in the San Bernardino vicinity:

"[Cahuilla] villages in the San Bernadino and San Jose valleys were broken up thirty years or so ago, and, although they still come to the vicinity of Redlands and Riverside in search of work, their camps in these places are no longer permanent homes. They were driven from the San Timoteo canyon in the forties by the ravages of small-pox, and the first reservation to be met now, as one rides eastward through the pass where they once held sway, is below Banning, at Potrero..."<sup>49</sup>

Strong agreed with this statement except for the dates, they appear to be a decade off in accordance with other historical evidence. He concludes the "occurrence of Cahuilla in the San Bernardino region as an historic intrusion, and eliminate them from the problem of original ownership in the territory under discussion."<sup>50</sup> On Strong's Luiseño territory map, he wrote the following comment in the area just above the northern boundary, "probably Gabrielino, though occupied by Mountain Cahuilla in Mexican period." (Figure 4)<sup>51</sup> In Bean's study on the Wanakik (Pass Cahuilla), he found that the earliest definitive date of a Cahuilla presence in San Bernardino is 1820.<sup>52</sup> Two of the primary ethnographers who studied Cahuilla believe the movement of the Cahuilla into San Bernardino occurred in the mid-1800s. Therefore, it is a logical conclusion that if the Cahuilla had not moved into the San Bernardino area until historic times, they would not have been in the Project area before that because it is much farther west and the theory that the Project area was Cahuilla territory prior to the Luiseño presence fails.

<sup>47</sup> Kroeber 1907, p. 133.

<sup>48</sup> Strong 1929, p. 7.

<sup>49</sup> Barrows, David P. *The Ethno-botany of the Coahuilla Indians of Southern California*. University of Chicago Press, Chicago, 1900, p. 32-33.

<sup>50</sup> Strong 1929, p. 7.

<sup>51</sup> Strong 1929, p. 275.

<sup>52</sup> Bean, Lowell. *The Wanakik Cahuilla. The Masterkey* 34(3):111-119.

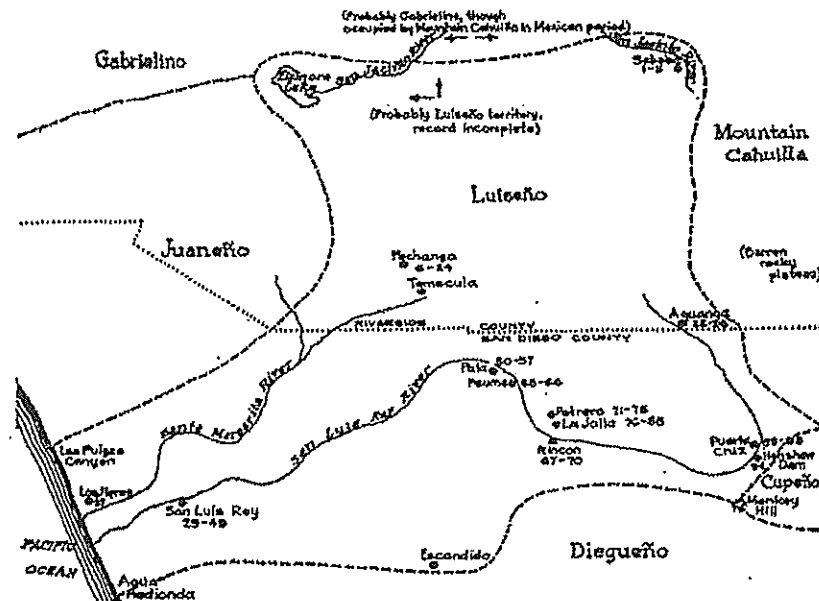


Figure 4: Strong 1929, p. 275. See note above northern boundary.

#### CULTURAL SETTING: Rock Art (p. 26-27)

The *Paavo* report explores the "...possible indication of cultural affiliation..." by examining the rock art, or *tóota yixélval*, that are located within the Project boundaries. While the document explores some of the available ethnographic literature regarding late prehistoric girls' and boys' puberty ceremonies, as well as a few sources of current archaeological documentation on site types, the information presented is conflicting and no conclusions are presented.

#### Relations between *tóota yixélval* and the Luiselño

For the Pechanga Tribe, *tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Western Riverside and Northern San Diego Counties are home to red, black and white pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man and D. L. True, as the San Luis Rey style. Gerald Smith and Steve Freers book "Fading Images" describes this style of *tóota yixélval* as being, "Generally associated with late prehistoric and historic Luiselño populations, with extensions into neighboring territories. This type site is the major locus of the style, on the San Luis Rey River, San Diego County."<sup>53</sup> The San Luis Rey style incorporates

<sup>53</sup> Smith and Freers p 26

elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs.

It is no accident that the diamond chain rock art design occurs in our ancestor's east-to-west waterways and village complexes. This diamond chain pattern is repeated at CA-RIV-61 in Mockingbird Canyon, CA-RIV-12 in south Lake Perris, CA-RIV-34 in Temescal Canyon and CA-RIV-393 at Lizard Shrine, to name a few, which are all known to be Luiseno cultural areas. This four-sided geometric element is also echoed in preserved Luiseno basket designs. The presence of this element can be identified in the San Jacinto, Salt Creek, and San Luis Rey River drainages, all located within known Luiseno territory.

In reference to the age of the *tóota yixélval*, the Tribe disagrees with the proposed 200 years as referenced by Bean and Vane<sup>54</sup>. Considerations regarding the linguistic evidence for Luiseno presence in western Riverside County is discussed above and directly supports a much older age. Further, the report hints at "...alternative explanations regarding the age and cultural affiliation of the rock art..." however does not present these explanations. Without additional information, the report does not provide a valid argument on cultural affiliation of the rock art. The Tribe believes that the *tóota yixélval* located on the property is of the San Luis Rey type which therefore directly connects the site to the Luiseno and thus ascertaining the cultural affiliation of the site.

#### Puberty Ceremonies

Further evidencing the connection between the San Luis Rey rock art style and Luiseno people are these descriptions of how the diamond chain pattern, which is uniquely San Luis Rey style, was incorporated into the Luiseno girls' ceremony. In 1892, Bureau of Ethnology anthropologist H.W. Henshaw compiled information on what was called the "Girls Ceremony." He wrote: 'that during the fourth new moon of the young girl's puberty rite, diamond shaped marks were painted vertically on the cheeks of the girls faces'.<sup>55</sup> We learned this through our elders and thus for Pechanga, the connection to the *tóota yixélval* images holds a known meaning.

The report states that there is "...some recorded ethnographic information to support the hypothesis that some western Riverside County pictographs were painted as part of puberty ceremonies"<sup>56</sup> and goes on to state "Pictograph designs made by both boys and girls during puberty ceremonies were sketched by John P. Harrington ca. 1933." These two sentences are conflicting because if the ceremonies were witnessed and the

<sup>54</sup> Bean, Lowell J., Jerry Schaefer, and Sylvia B. Vane, *Archaeological, Ethnographic, and Ethnohistoric Investigations at Tahquitz Canyon, Palm Springs, California*. 1995, 2 vols. Cultural Systems Research, Menlo Park, California. Submitted to Riverside County Flood Control and Water Conservation District, Riverside, California.

<sup>55</sup> Smith and Freers 1994, p 19

<sup>56</sup> Lerch and Cannon 2008, p 26  
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ethnographic accounts are true, then some of the *tóota yixélval* were created as a part of the puberty ceremonies. This is not a hypothesis but fact. Grant further acknowledges that "[w]e know from ethnographic evidence that, among the Juaneño and Luiseño...such paintings were made by young women during puberty rites."<sup>57</sup> Dubois adds: "The songs of men and the women are different, and the men never sing the women's songs. This song mentions a hill to which the girl runs at the conclusion of the ceremony, when a rock is painted."<sup>58</sup>

Further, these ethnographic accounts show that *tóota yixélval* were created at some time in direct association with Luiseño puberty ceremonies. In Strong's description of the Cahuilla boys' and girls' puberty ceremonies, it is noted that "This finished the [puberty] ceremony, for as far as could be ascertained there was no racing or rock painting for either sex."<sup>59</sup> The report makes several claims that this region was inhabited by the Cahuilla. Based upon Strong argument, the Luiseño created the *tóota yixélval* on the Project. Strong also notes that the "...clans of the Mountain Cahuilla under Juan Antonio moved from their mountain homes first to the vicinity of Riverside...Later their village was moved to sahatapa in the San Timoteo canyon near El Casco. These clans were probably moved down by the Mexicans as a guard against the Colorado river and other raiding peoples."<sup>60</sup> There are many other resources that indicate the Cahuilla did not come into the area until historic times (see above for additional discussion).

### Cupules

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, is known as cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. According to historian Constance DuBois<sup>61</sup>:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albalas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula,

<sup>57</sup> Grant, Campbell, 1971. Rock Art in California, In: Heizer, R. F. and M.A. Whipple, 1971. *The California Indians, A Source Book*. (p 242).

<sup>58</sup> DuBois 1901, p. 95

<sup>59</sup> Strong, William Duncan. 1929, *Aboriginal Society in Southern California*. University of California Press, Berkeley, California. (p 117)

<sup>60</sup> Strong 1929, p 150

<sup>61</sup> DuBois 1908, p 158

of the spots where they stopped and about the different places they claimed.

The *Paavo*' report indicates that cupules are associated with late-prehistoric or protohistoric village sites. To date, we are not aware that these features can be archaeologically dated and argue that cupules are many hundreds, or possibly thousands, of years old as attested to by our oral traditions. Further, we would like to point out that while cupules are associated with the Nahachish story, Nahachish is not always associated with cupules. Cupules have been identified throughout the world and contain different meanings for each culture. To the Pechanga people, we strongly believe that they are ceremonial and sacred, and can be tied to territory determinations.

Another *tóota yixélval* element that has emerged only currently has been identified in the San Jacinto and Salt Creek Drainages and are called painted-cupules. Author and rock art specialist Steven Freers wrote: 'the association of cupules at (these) and other sites suggests that this form of rock art may have been created as part of the boys' puberty ceremony'<sup>62</sup>. The Village of *Táawila*, CA-RIV-333, "Dead Dog site", CA-RIV-202 near *Páyvi*, and the *Páavo* RIV-393 cupule-cave at "Lizard Shrine" all exhibit painted-cupules, and are all known Luiseño cultural areas. We surmise that archaeologists have mistaken the presence of pigment within the cupules for iron oxide—which often it is not. Given what we currently know, Pechanga is suggesting that these painted-cupules are also distinctly Luiseño.

### Mazes

Additional discussion is given of one maze in Orange County and three within Riverside County with allusions to additional mazes near to the Project. While the purpose for incorporating the maze information is vague, it seems that it may be to make a connection between the distribution of mazes over a wide region which accounts for several different tribal territories, and the large distribution of *tóota yixélval* in the San Luis Rey style which also purportedly ranges over several tribal territories. The Tribe does not agree with this assumption and are further confused as to why this topic is even broached since the report states, "...and thus [the mazes] offers little help resolving questions of cultural affiliation."<sup>63</sup> While the *Paavo*' report may be confused on the subject of mazes, we believe that they are important and supportive of our oral traditions and beliefs of the Luiseño traditional tribal areas or cultural affiliation to the region.

McCawley's study of Gabrielino culture, used in this report, is very assumptive.<sup>64</sup> McCawley claims that there are three styles of *tóota yixélval* within the Gabrielino territory which he indicates covers 1,500 square miles of land encompassing Los

<sup>62</sup> Smith and Freers 1994, p 7

<sup>63</sup> Lerch and Cannon 2008, p 27

<sup>64</sup> McCawley, William, 1996. *The First Angelinos: The Gabrielino Indians of Los Angeles*. Malki Museum Press.

Angeles, portions of San Bernardino and many of the Channel Islands. The Tribe does not agree with this assessment and believes that most of western Riverside and northern San Diego Counties were part of Luiseño territory with the lands directly to the west belonging to the Juaneño (See earlier notes and maps on Luiseño territory research presented elsewhere). Viewed in this respect, the mazes that McCawley discussed would be within Luiseño territory excepting the Orange County Maze Rock which is squarely within Juaneño territory as evidenced by ethnographic map sources. Additionally, while the "California Rectilinear Abstract Style" and the "Abstract Polychrome Style" may be associated with the coastal Gabrielino<sup>65</sup>, Grant only states that the "Abstract Style", or "California Rectilinear Abstract Style" as McCawley elaborates the usage, can be identified within "...western Riverside County...notably within Joshua Tree National Monument where both pecked and painted techniques appear in close proximity."<sup>66</sup> If any specific "style" must be referred to to categorize the mazes in western Riverside County, Freers and Smith makes note that many of the mazes appear to be of the Rancho Bernardo Style which was the type used in San Diego County at Luiseño sites.<sup>67</sup> Additionally, the categorizing of *tóota yixélval* into specific styles has been questioned due to the lack of comprehensive research in southern California and also as it is subjective to the visible and/or remaining features of the *tóota yixélval*<sup>68</sup> which may account for ultimate misrepresentation and mis-categorization.

To date, the Tribe is aware of at least eight painted and incised mazes that have been identified within an approximate 20 mile radius of TVOL Project, spanning from five miles north of the Project, eastward to Warren Road, southward to just past the Pechanga Reservation and northward to Murrieta and Lake Elsinore. A few additional mazes have been identified within San Diego County but our research has identified this large cluster within this portion of western Riverside County. While similar to cupule features in that mazes are found all over the world, the importance of these *tóota yixélval* is the relationship of the features within and to the Luiseño culture and what they mean specifically to our People.

#### **CULTURAL SETTING: Language and Culture (p.27-32)**

Jesus Jauro, who was a Gabrielino living at Soboba, provided information to Harrington in 1932-1933. He was reportedly a fluent speaker of Gabrielino.<sup>69</sup> According to the 1910 census for the "San Jacinto Reservation," Jauro and both of his parents were born at Soboba. Jauro's wife, Maria, and her parents were also born at Soboba. Tribal affiliation for the Jauro family, his wife and in-laws is unknown however; it is quite probable that one or both of his parents were Gabrielino. Since Jauro was also exposed

<sup>65</sup> McCawley 1996, p 140

<sup>66</sup> Grant, in Heizer and Whipple 1971, p 242

<sup>67</sup> Freers and Smith 1996

<sup>68</sup> Hedges, Ken. n.d., Petroglyphs in Menifee Valley. *Rock Art Papers, San Diego Museum Papers No. 26.* Vol 7, p. 75-82.

<sup>69</sup> Harrington 1986, Volume 3, Reel 116, frame 060.

to the Luiseño and Cahuilla language and beliefs while living at Soboba, he must have been influenced by their traditions and stories. In one such account, provided by Jauro to Harrington, he states the sacred plant Toluache [*Datura wrightii*] grows at Taakwic hill near Bernasconi Spring and when it is green it is *maani showoshwic*, which was identified in the report as being the Serrano name for *Datura*, however in this case, Jauro is providing the Luiseño word for this plant. The Serrano term is *maanich* and the Gabrielino version is *maanel*. The phrase *maani showoshwic* is identified as being Luiseño (Eric Elliott, personal communication 2009).

Another argument proposed in the *Paavo'* report is that the "Legend of Tauquitch and Algoot" is of Cahuilla origin. *Táakwish's* home is Lily Rock near Idyllwild which is a border area between the Luiseño and Cahuilla and many miles from the Project. Another Gabrielino consultant interviewed by Harrington, Jose Zalvidea, was reported to live at San Manuel for many years but was actually from Soboba.<sup>70</sup> Harrington's consultants from San Manuel also said Zalvidea lived at the San Bernardino "mission" at one time.<sup>71</sup> Both men were exposed to Serrano, Cahuilla, and Luiseño stories and referenced *taakwish's* home as being in Luiseño territory.<sup>72</sup> In fact, Zalvidea "indicated that Toowish Puki' was not a Gabrielino name" and linguist Pam Munro identified it as a Luiseño word meaning *Taakwish's* house.<sup>73</sup> In actuality, the word *tóowish* means "spirit" or "ghost" and *puki* is "his house" in Luiseño and, in this case, may not be a direct reference to *táakwish* but just the house of a spirit.

As for the word *táakwish*, it appears to be closer to a Luiseño origin. Several Luiseño words are derived from the root word *\*takw* as opposed to other Takic languages, which include Cupeño, Cahuilla and Serrano. It is believed the Diegueño borrowed the Luiseño word for this supernatural being, *chaawp* or *chaawk*. Considering *táakwish's* home is agreed upon as being on San Jacinto peak, he was known in almost all of the southern California cultures. The name *táakwish* also occurs in three other place names in Luiseño territory; two different locations are *táakwish posáppila*, meaning 'táakwish's pounding place' located at the top of Palomar mountain and the other is located on what is now Camp Pendleton near O'Neil Lake and *Sá'wlape Táakwish Potáwwila* which is also located near O'Neil Lake.

The *Paavo'* report references the story "Legend of Tauquitch and Algoot" claiming it ties the Cahuilla people to the Lakeview area.<sup>74</sup> Linguistically, this is incorrect as the mere title of the story implies that it is Luiseño since "Algoot," is the anglicized version of the Luiseño word *'alwut* meaning 'crow'. The word for crow in Cahuilla is *'alwet* and in Serrano it is *'acawt*. The name of the Soboba leader is "Algoot"

<sup>70</sup> Ibid.

<sup>71</sup> Harrington 1986, Volume 3, Reel 101, frame 416.

<sup>72</sup> McCawley, William. *The First Angelinos: The Gabrielino Indians of Los Angeles*. Malki Museum Press/Ballena Press Cooperative Publication, Banning, Ca., 1996, p. 49, 51, 147, 176, 205.

<sup>73</sup> McCawley 1996, p. 49.

<sup>74</sup> Lerch and Cannon 2008, p. 27-28.

and the place referred to in the story as Lakeview is called "Algooton," indicating the name and the story would be Luiseño in origin.

Harrington recorded a few stories from Vicente Lugo, who was a Luiseño from Pala but living at Soboba. One of these stories is included in the *Paavo* report and was incorrectly associated with *Paavo*. It relates the tale of a woman who is caught by a *páavawot*, which was translated in the report as a "man from *payve*" but in actuality, it means 'water baby' or a supernatural being that lives in any water source, not necessarily *Paavo*.<sup>75</sup> Lugo also discusses several place names in the *Paavo* vicinity, including *iiva* meaning 'wooden spoon' and *wiháava*, 'to slope gently' in the Luiseño language. The *Paavo* report concluded "*Paavo*" was a Serrano place name because *wiháava* was Serrano. Linguist Eric Elliott, who has studied the Luiseño, Cahuilla, and Serrano languages, believes *wiháava* could be either Serrano or Luiseño in origin, however he did not believe *Paavo* was Serrano because the syllable '-vo' does not occur anywhere in that language. Elliott also looked at several other place names in the project area and the San Jacinto vicinity and believes all of them to be Luiseño in origin due to the use of double vowels and stress patterns. There are several other place names scattered throughout Luiseño territory that end in '-vo', which, according to Elliott, is believed to be an old place name suffix in Luiseño.

Even though the *Paavo* report does not specifically designate tribal affiliation to the project area, it implies that traditional stories and linguistic evidence referenced suggest either a Cahuilla or Serrano presence. However, upon review of these sources and an analysis of the linguistic material, these assumptions are incorrect. Linguistically, the Luiseño have the closest cultural affiliation with the project area. There are thirteen Luiseño place names scattered from Soboba to the project area, including *Paavo*, while there might be two Serrano names in the Soboba region. No Cahuilla place names have been identified in this study that are within or adjacent to the project area; nor were any locations provided by previous research (see Bean 1972; Bean and Saubel 1972; and Bean 1978). Also, linguistic evidence does not concur with the argument in the *Páavo* report that the "recent" movement of Takic speakers into southern California explains why each of these groups has a connection to the project area. Rather, the linguistic evidence heavily suggests a Luiseño affiliation with the Project area. In addition, the *Páavo* Report's scenario does not conclusively address the cultural antiquity of the site and the continual occupation of the project area through what is assigned as the archaeological periods of the San Luis Rey cultures.

Based upon the evidence provided above including linguistic data, oral traditions, ethnohistoric and ethnographic accounts, surviving cultural features on the landscape and archaeological research, the Luiseño people believe this to be part of our traditional homeland. We thank you for the opportunity to submit this information to the County. If

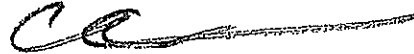
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<sup>75</sup> Lerch and Cannon 2008, p. 30.

Pechanga Comment Letter to the County of Riverside  
RE: Pechanga Tribe comments on the TVOL Archaeological Report  
June 18, 2009  
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you should have any questions or comments, please do not hesitate to contact the  
Pechanga Cultural Resources Department at 951-308-9295.

Sincerely,



Anna Hoover  
Cultural Analyst

Cc: Leslie Mouriquand, Riverside County Archaeologist  
Michael Lerch, SRI  
Eastern Information Center  
Laura Miranda, Pechanga Office of the General Counsel  
Brenda Tomaras, Tomaras & Ogas, LLP

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## APPENDIX 4

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**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

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Germaine Arenas

Vice Chairperson:  
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Committee Members:  
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Richard B. Searce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

Monitor Supervisor:  
Jim McPherson

July 15, 2011

**VIA E-MAIL and USPS**

Mr. Gary Jones  
Native American Coordinator  
California Department of Transportation  
District 8, Environmental Planning (MS825)  
464 W. Fourth St, 6<sup>th</sup> Floor  
San Bernardino, CA 92401-1400

**Re: Pechanga Tribe Comments on the State Route 79 Realignment Archaeological Evaluation Proposal, EA49400 (#0800000784)**

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government, by the Cultural Resources Department<sup>1</sup>.

It has been the intent of the Federal Government<sup>2</sup> and the State of California<sup>3</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that Caltrans consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

<sup>1</sup> This document was prepared in part by Dr. Lisa Woodward, Archivist, with a Ph.D in Native American Studies from the University of California, Davis.

<sup>2</sup> See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

<sup>3</sup> See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

The Tribe appreciates the opportunity to review and comment on the Archaeological Evaluation Proposal (AEP) well ahead of the proposed field work. As you know, early consultation is very important to the Tribe. Additionally, the Tribe intends to continue consultation with Caltrans and the FHWA on this Project to ensure that any resources identified within the Preferred Alignment will be avoided and preserved as recommended in the CEQA.

### PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Tribe has submitted information in previous letters and communication regarding our cultural affiliation with this Project and the region it is in. The following is a brief summary. The Tribe welcomes the opportunity to meet with the Caltrans to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction if required.

D. L. True, C. W. Meighan, and Harvey Crew<sup>4</sup> stated that the California archaeologist is blessed "with the fact that the nineteenth-century Indians of the state were direct descendents of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors." Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. While we agree that anthropological and linguistic theories as well as historic accounts are important in determining traditional Luiseño territory, the Pechanga Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions. Luiseño history begins with the creation of all things at *'éxva Teméeku* (EHK-vah Te-MEH-koo), known today as Temecula. The first people or *Káamalam* (KAH-mah-lam) were born at this location and dispersed to all corners of creation (what is today known as Luiseño territory). The last of the *Káamalam* born was *Wuyóot* (We-YOUGHT). He was innately gifted with *ayéllkwish* (ah-YELL-kwish) or knowledge, and he learned how to make the first food, *tóovish* (TOH-vish, white clay), to feed the *Káamalam*. It is said *Wuyóot* gave the people ceremonial songs when he lived at *'éxva Teméeku*.<sup>5</sup> While the following creation account is a brief summary, it does demonstrate that the Luiseño people have knowledge of and are affiliated with the Project area.

<sup>4</sup> D. L. True, C. W. Meighan, and Harvey Crew. Archaeological Investigations at Molpa, San Diego County, California, *University of California Press* 1974 Vol. 11, 1-176

<sup>5</sup> Constance DuBois 1908. The Religion of the Luiseño Indians of Southern California. *University of California Publications in American Archaeology and Ethnology* 8(3):69-186.

According to the creation narratives, *Wuyóot* was poisoned, and in an attempt to be cured, he visited several hot springs within Luiseño territory. The First People followed *Wuyóot* throughout the territory and he named the places as they traveled. Upon *Wuyóot*'s death, he was taken to 'éxva *Teméeku* and cremated. *Wuyóot*'s passing was the first death of the *Káamalam* and they were frightened by the event. A traditional song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino and then to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula.<sup>6</sup> After a Grand Council of the *Káamalam*, they dispersed from 'éxva *Teméeku*, establishing villages and marking their territory. The first people also became the mountains, plants, animals and heavenly bodies. Songs called *Montívol* (*moh-NEE-vull*), speak of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact migration route of the Temecula people and the landmarks made by each to claim title to their places.<sup>7</sup>

#### **PECHANGA TRIBE COMMENTS ON THE ARCHAEOLOGICAL EVALUATION PROPOSAL**

The Tribe has received and reviewed the Archaeological Evaluation Proposal, prepared for the Project by Applied Earthworks<sup>8</sup> (hereinafter, the AEP). We have several concerns with the document; specifically, regarding the ethnographic descriptions, regional evaluations and the process for human remains should they be identified within the selected preferred alignment.

#### **The AEP Lacks Adequate Supporting Evidence for its Assertion that the Project Lies within Cahuilla Territory**

##### ***Section 2.3 Ethnography***

The Tribe disagrees that the Project area lies within the Cahuilla territory as discussed in the AEP. To date, the Pechanga Tribe has had to contend with as many as eight different representations of their Territorial Boundaries (Confidential Appendix 1). Many years of internal research have resulted in the Boundary shown in blue as the preferred Boundary recommended by the Tribe. The Pechanga Tribe's knowledge of our ancestral boundaries is based on information passed down from our elders through songs and stories; published academic works in the areas of anthropology, history and ethno-history, and through unpublished ethnographic and linguistic field notes. Many anthropologists and historians who have proposed boundaries of

<sup>6</sup> Ibid.

<sup>7</sup> Ibid, p.110.

<sup>8</sup> Draft Archaeological Evaluation Proposal: 28 Archaeological Sites in Southern San Jacinto Valley. Realign State Route 79 Realignment Project: Domenigoni Parkway to Gilman Springs Road in the Cities of Hemet and San Jacinto and the County of Riverside, Riverside County, California, District 8-Rlv-79-KP R25.4/R54.4 (PM R15.78/R33.8) PN 0800000784/EA49400. Prepared by Applied Earthworks. May 2011

the Luiseño traditional territory have included the project area in their descriptions (Kroeber 1925<sup>9</sup>; Drucker 1939<sup>10</sup>; Heizer and Whipple 1951<sup>11</sup>; Smith and Freers 1994<sup>12</sup>). With the exception of Smith and Freers, these boundaries were determined from information provided to the ethnographers by Luiseño consultants. The boundary determinations were based upon multiple factors including language, village locations, oral tradition, personal beliefs, etc. Smith and Freers made their determination utilizing known rock art sources. The Pechanga Tribe bases the Luiseño territory boundary (as depicted in the Confidential Appendix) on descriptions communicated to the Pechanga people by our elders in combination with the sources indicated above, i.e. ethnographic and historic literature, published maps, etc.

While our Creation story maintains that the Luiseño people were created and thus have always lived in this area, the AEP states that the "Project study area lies within the traditional territory of the Cahuilla Native American cultural group."<sup>13</sup> The Tribe argues that there is ample evidence that supports continuous Luiseño occupancy over other tribes which will be provided in the following pages.

The use of specific ethnographic maps in the AEP without an adequate discussion of the alternative theories is problematic, especially in a case such as this where the Tribe has presented additional information regarding its assertion that the Project Area falls within Luiseño rather than Cahuilla territory. It is fairly common knowledge that ethnographers often change their tribal territory boundaries for each new study or publication based upon who their informants are/were. In the instance of this AEP, the authors extensively use Bean or Bean and Vane as references for the Project being traditionally Cahuilla territory without providing adequate justification for why these works were chosen over other equally reliable works that may have disagreed with the conclusions in these reports. It is important in any academic or scientific analysis to provide all information and adequately explain why one view was chosen over another.

For instance, the authors did not reference other maps for comparative analysis. For example, the map in Bean and Saubel<sup>14</sup> (1972), which was not referenced in the AEP, clearly shows the Project area in Luiseño territory (see Figure 1).<sup>15</sup> The map in Bean's 1972 work<sup>16</sup>, which is almost identical to the Bean and Saubel map, is also not referenced in the AEP.

<sup>9</sup> Alfred. L. Kroeber 1925. *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, Government Printing Office, Washington D.C.

<sup>10</sup> Phillip Drucker 1939. Culture Element Distribution, V, Southern California. *University of California Publications in American Archaeology and Ethnology*, Vol. 1.

<sup>11</sup> Robert F. Heizer and M.A. Whipple 1951. *The California Indians*. University of California Press, Berkeley.

<sup>12</sup> Gerald A. Smith and Steven M. Freers 1994. *Fading Images: Indian Pictographs of Western Riverside County*. Riverside Museum Press, Riverside, Ca.

<sup>13</sup> AEP Section 2.3 Ethnography, page 2-4

<sup>14</sup> Bean, Lowell J., and Katherine S. Saubel. *Temalpakh (from the Earth): Cahuilla Indian Knowledge and Usage of Plants*. Malki Museum Press, Banning, California, 1972

<sup>15</sup> Bean and Saubel 1972, p. 8

<sup>16</sup> Bean 1972 frontpiece

However, in 1978, six years later, Bean's<sup>17</sup> Cahuilla territory map, which is the only source of territory information provided in the AEP, has been greatly altered from the earlier studies and extends the tribal boundary into what was previously associated with the Luiseño – without explanation. Upon reviewing Bean's 1978 map, it shows Cahuilla territory extending north and west to Riverside. However it is important to note that the entire area west of the San Jacinto Mountains on Bean's 1978 map is lacking Cahuilla place names, demonstrating a lack of support for Bean's revision.<sup>18</sup> All the Cahuilla locations which exhibit names on the map are in the Cabazon Valley, east of the Santa Rosa Mountains and east of Palomar Mountain. The places named in the northwest region of Cahuilla territory, which the Luiseño believe to be their territory, share the same locational names (Figure 2). It should be noted that both of Bean's maps created in 1972 are clearly adapted from Kroeber, who places the Project site squarely within Luiseño territory.<sup>19</sup> Further, Bean uses informants that are nearly a half-century younger than, for instance, Kroeber's informants who would be assumed to have had more accurate knowledge of the territories.

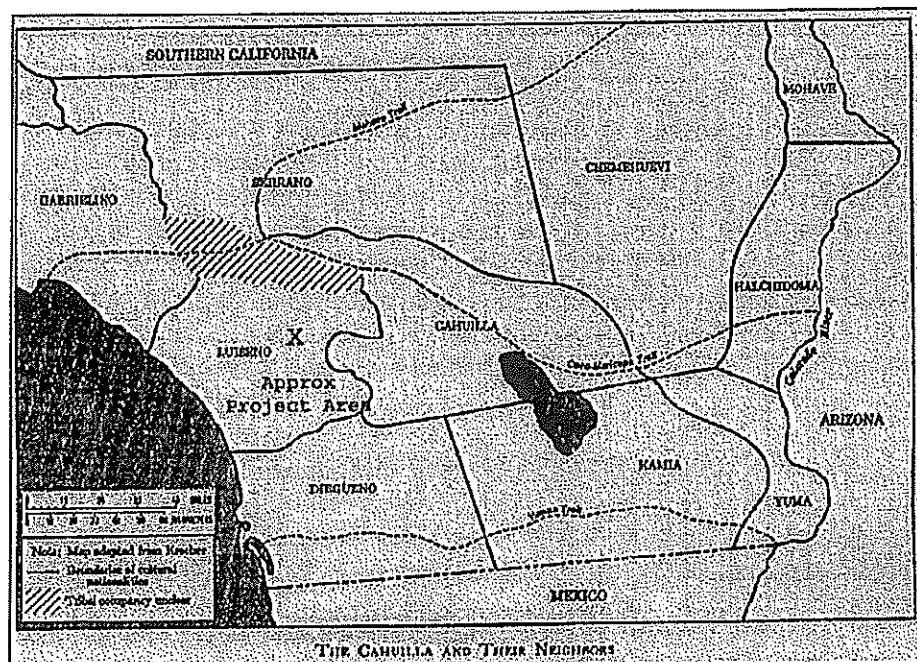


Figure 1: Bean 1972, front piece.

<sup>17</sup> Lowell J. Bean 1978. Cahuilla. In *Handbook of North American Indians, Volume 8, California*, edited by Robert Heizer, pp. 575-587, Smithsonian Institution, Washington D.C.

<sup>18</sup> Bean 1978, p. 576

<sup>19</sup> Kroeber 1925.

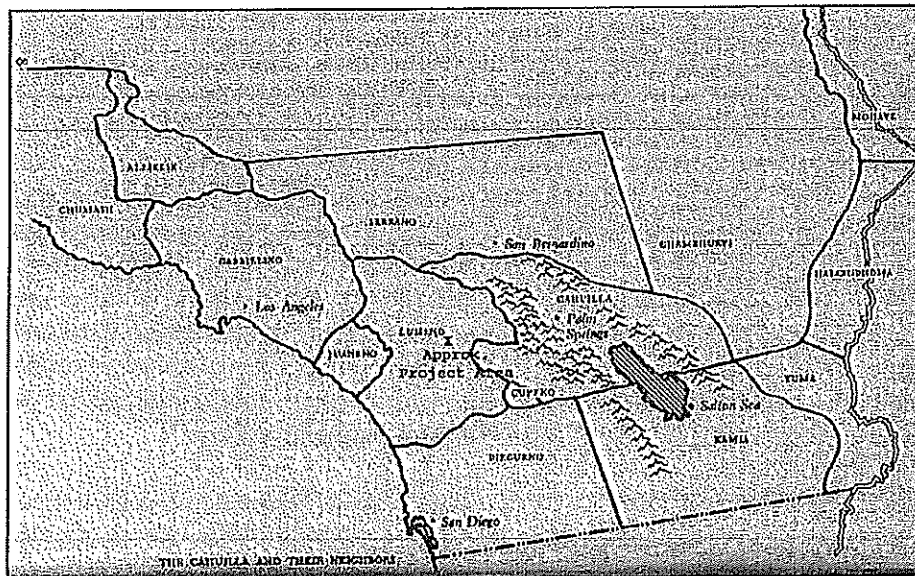
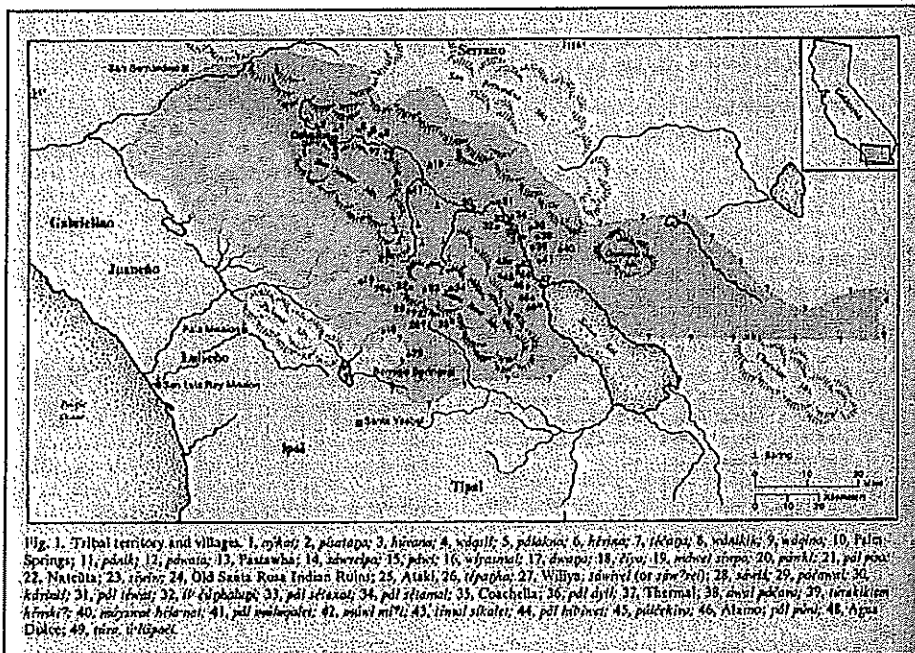


Figure 2: Bean and Saubel, 1972, p. 8. Note on both of these maps, Luisefio territory is much larger than depicted on the Luiseno and Cahuilla map in Bean 1978.



Bean 1978, p. 576. Note the highlighted area was part of Luisefio territory in Bean 1972 and Bean and Saubel 1972 and is devoid of Cahuilla place names.

The lack of Cahuilla place names on the Bean 1978 map is often disregarded; ethnographic information from Francisco Patencio's *Stories and Legends of the Palm Springs Indians*<sup>20</sup> is generally used to provide information that would support Bean's and the AEP authors interpretation that the Project area is in Cahuilla territory.<sup>21</sup> However, review of Patencio's stories show that they are accounts of the First People and their travels, of which several appear to be part of the Cahuilla Bird Song repertoire. The story "Some of the Early People" is about the First People who flew to particular mountains, named them and then their descendants settled in the Santa Rosa Mountains and San Felipe Valley, which is located southeast of Los Coyotes Reservation.<sup>22</sup> The Luiseño also have names for these mountains, but they do not claim they are in their territory. "Esel I hut" is about a man who is traveling from the north and passes through "Moreno country", "Hemet Point", and arrives at a village at "the end of the Santa Rosa range...the place of the *Mo moh pechem* people" where he slays the sky animal, *To quassto hot* and from there he travels on to Imperial Valley.<sup>23</sup>

In the migration story "Yellow Body, Head Man of Moreno", it is said that he lived "in the west side of Deep Canyon with his people, and called the place *Pan ox su*, which was the name of the tribe,"; however, he sent his family to live at Santa Rosa Mountain and, as the story goes, he went to the "desert on the other side of the mountain in which were settled many people, and lived there among them."<sup>24</sup> This story is similar to the Acjachemen (Juanefio) migration account, even though the Acjachemen territory is a hundred miles from the Cahuilla in the area of San Juan Capistrano. Their first leader left the village of *Sejat*, which is in Gabrielino territory and is a known Gabrielino village, and relocated to a place they named *Putuitum*.<sup>25</sup> The Acjachemen today recognize *Sejat* as a Gabrielino place and do not claim any ties to that area, even though their creation story says they originated from that location. In other words, even though the story speaks to traveling through a particular area, it does not mean that the tribe claims that area as part of its aboriginal territory. Simply naming a location in a story does not mean it is being claimed as part of the tribe's territory.

#### Evidence Supporting Pechanga's Assertion of Territory Affiliation

The Eastside Reservoir Project report states the Domenigoni and Diamond valleys "lie within the traditional territory of the Cahuilla near the boundary with the Luiseño..." (Lowell

<sup>20</sup> Patencio, Francisco. *Stories and Legends of the Palm Springs Indians*, Privately Printed, Caroline S. Snyder, Palm Springs, 1943.

<sup>21</sup> Lerch and Cannon 2008, p. 22.

<sup>22</sup> Patencio 1943, p.33-34.

<sup>23</sup> Patencio 1943, p.35-37.

<sup>24</sup> Patencio 1943, p. 37-40.

<sup>25</sup> Boscana, Geronimo Fr. *Chinigchinich*. Malki Museum Press, 1978.

Bean, personal communication 1992, as cited in MWD report, Vol IV Synthesis of Findings, 2001).<sup>26</sup> The report goes on to state:

"Mission San Gabriel, the mission that would eventually have the most direct impact on the native inhabitants of the Eastside Reservoir Project study area, was established in 1771. ...Research into the baptismal and other records of Mission San Gabriel indicates that the native peoples who occupied and used the Eastside Reservoir Project study area during the late 1700s and early 1800s spoke the Cahuilla language and were associated with a community known as *Junalmonat*, centered near Winchester, immediately north of the Project area (Bean and Vane 2001: MS-1; as cited in MWD report, pg. 593)

Although there are San Gabriel baptismal entries for the village of *Junalmonat*, there is ethnographic evidence that supports the Project area, including Diamond Valley Lake, as being within the traditional boundaries of the Luiseño<sup>27</sup>.

Contrary to what is quoted above, San Gabriel Mission did not have the most direct impact on the native inhabitants. Rancho San Jacinto was established under the jurisdiction of San Luis Rey Mission. This rancho was established to raise cattle for San Luis Rey and is listed in an 1821 report as a holding of the mission (Englehardt 1921: 45, 52, 98, 120, 122-123).<sup>28</sup> The people living adjacent to and within the Rancho were subjects of the San Luis Rey Mission. However, both arguments do not explain the language the people of this village spoke. Being under the jurisdiction of San Luis Rey, the people would be considered "Luiseño"; however, Bean suggests they were Cahuilla, based on turmoil created with European contact and the establishment of the missions.

Ethnographic data collected by John P. Harrington suggest the Project area is within the ancestral boundaries of the Luiseño. An interview conducted with Vicente and Luisa Lugo of Soboba on July 12, 1934, resulted in the creation of a map of the Hemet / San Jacinto valley. Vicente Lugo was a Luiseño from "old" Pala who was a fluent speaker of Luiseño. He moved to Soboba in 1891. He married Luisa Leona, from Soboba, who spoke Luiseño, Cahuilla, the Serrano dialect of Soboba and the Serrano dialect of Morongo.<sup>29</sup> Vicente provided the Luiseño names of villages and points of interest on the place name trip he took with John P. Harrington around the Soboba, San Jacinto and Hemet areas.<sup>30</sup> The map created on this trip includes the

<sup>26</sup> Metropolitan Water District of Southern California. Eastside Reservoir Project. Final Report of Archaeological Investigations, Volume IV: Synthesis of Findings, 2001.

<sup>27</sup> The village name Junalmonat, as identified by Bean in the Eastside Reservoir Project report, was identified from the San Gabriel Mission baptismal records. Upon further review of these records, thirteen people were identified as being from this village and they were all baptized on the same day, January 24, 1812.

<sup>28</sup> Englehardt, Fr. Zephyrin. *San Luis Rey Mission*. James H. Barry Company, San Francisco, 1921.

<sup>29</sup> John P. Harrington. *The Field notes of John P. Harrington at the Smithsonian Institution, Volume 3, Southern California and Basin*. Kraus International, microfilm edition reel 115, frame 264.

<sup>30</sup> Harrington reel 119, frames 431-435.

entry: "Winchester = hunálmo."<sup>31</sup> In 1937, Lugo was interviewed by Adam Castillo who also resided at Soboba and was assisting Harrington with aluminum disk sound recordings. Lugo again named places in the greater Hemet / San Jacinto valley and stated after providing several names: "And that town over there, what is it called? Winchester, isn't it. That (hill) that rises over there is known as Hunálmo, the one which looks down."<sup>32</sup> He goes on to explain a feature near the hill that is part of the Luiseño Creation Account in which the *Chéexayam* (Cheh-xhay-yam), the Seven Sisters, ascended into the sky by climbing a rope that was let down for them called *wáanawut* (WAA-na-woot, the Milky Way).<sup>33</sup> This is described in greater detail below.

According to linguistic information, the place Hunálmo falls within Luiseño territory. The name itself is clearly a Luiseño word as evidenced by its morphology. The root word, Hunáan means "lift" in Luiseño. Identifying Luiseño linguistic markers correspond to the root word. Also, the stress location of words in Luiseño is on the second syllable whereas in Cahuilla, stress is always on the first syllable. Not only does the linguistic analysis of the place name Hunálmo illustrate it is a Luiseño place, but so does tribal cosmology for the area. *Chéexayam Pomwáppivo* (Cheh-xhay-yam Pom-WHAP-pee-voo) is located within Hunálmo and is tied directly to the Luiseño Creation story, thereby solidly marking this area as Luiseño.<sup>34</sup>

In contrast to the lack of any supportive information in the AEP for the authors' assertion of territory boundaries, the Tribe has previously provided extensive information supporting its position regarding such boundaries, and provides the following discussion as further proof. Kroeber's territory boundary information was collected in 1903 and 1904 from consultants of various tribal affiliations.<sup>35</sup> Additional unpublished information about the Luiseño eastern territory boundary was provided by Harrington's Diegueño consultant Angel Quilp, who was said to be about 100 years old in 1925. Quilp told Harrington:

"the very imp[ortant]. [important] tradition he has heard that the San Luiseños were originally in the Cahuilla Valley and that they were driven out of there by a war with the Cahuillas. The S. Luiseños then came down by Aguanga. An. [Angel] added that this is a tradition he has heard."<sup>36</sup>

This statement suggests Quilp heard this information from his elders who possibly lived before or during missionization. Kroeber may have learned the same information from his Luiseño consultants who were of Quilp's generation, thus drawing his Luiseño eastern border to include

<sup>31</sup> Harrington reel 119, frame 431.

<sup>32</sup> John P. Harrington Collection, Sound Recordings housed at the Smithsonian Institution. Recording 1532.

<sup>33</sup> *ibid*

<sup>34</sup> Elliott, Eric. Luiseño dictionary revised edition; in prep

<sup>35</sup> Kroeber, A. L. Shoshonean Dialects of California. *University of California Publications in American Archaeology and Ethnology*, 4(3):66-165, 1907.

<sup>36</sup> John P. Harrington 1986. *The Papers of John P. Harrington in the Smithsonian Institution 1907-1957. Microfilm Volume 3 California/Basin*. Kraus International Publications, White Plains, N.Y. This place name trip can be found on reel 119, frame 083.

Soboba and Aguanga up to San Jacinto, Tahquitz and Cahuilla Peaks points which are along the boundary (Figure 3).

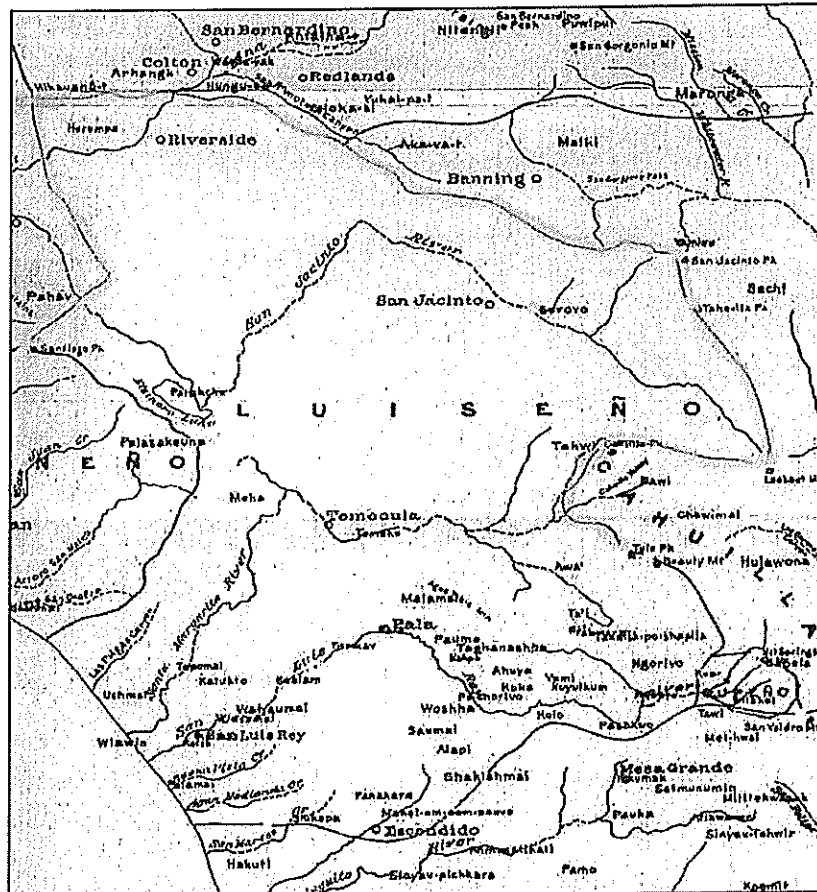


Figure 3: Kroeber's map, 1925. Highlighting added on northern and eastern Luiseno territory boundaries.

Most of the ethnographic evidence available suggests the Cahuilla moved into the areas adjacent to, and by association in to, the project area after European contact. Kroeber's 1907 article "Shoshonean Dialects of California" includes information on territory boundaries for each of the southern California Uto-Aztecan languages. With information provided by consultants, BIA agents, and historic accounts, he determined the Cahuilla moved into the San Bernardino area during the 1840s-1850s.

"San Bernardino valley has been attributed both to the Cahuilla and the Serrano. The Indians now living in the valley are mainly Serranos, and the statements of Indians in other parts of Southern California also give this fruitful region to the Serrano as part of

their original habitat. ...Dr. John R. Swanton of the Bureau of American Ethnology has kindly furnished the information, supplied him by a Serrano school girl named Morengo, on the authority of her uncle, that her people formerly occupied San Bernardino valley and San Gorgonio pass to a point eastward just beyond Banning, but not the San Jacinto mountains. ...Statements made by the Yuman Mohave strengthen the probability that San Bernardino belonged to the Serrano. San Bernardino and Colton, they say, belonged to the Hanyuveche, the Serrano. The Hakwiche or Cahuilla were not there. The San Bernardino mountains as far east as north or northeast of Indio belonged to the Serrano and not to the Cahuilla. The San Jacinto mountains were Cahuilla.<sup>37</sup>

Kroeber also proposes the Cahuilla were "brought by the Franciscans to the San Bernardino mission station attached to mission San Gabriel, and this fact may be responsible for the statements assigning this region to the Cahuilla."<sup>38</sup> Strong concurs with Kroeber's statement and verified the information with one of his Mountain Cahuilla consultants, Alec Arguello, who stated he had lived in the San Timoteo pass.

"five Mountain Cahuilla clans under the leadership of Juan Antonio, a well known captain, were brought to the district in about the year 1846. They settled first at the village of pulatana near Jurupa (Riverside), and later moved to sahatapa in the San Timoteo canyon near El Casco. They remained there until some time in the decade between 1850 and 1860 when the group was nearly exterminated by a smallpox epidemic."<sup>39</sup>

Barrows, writing in the mid-1890's, recorded the following information about the Cahuilla in the San Bernardino vicinity:

"[Cahuilla] villages in the San Bernadino and San Jose valleys were broken up thirty years or so ago, and, although they still come to the vicinity of Redlands and Riverside in search of work, their camps in these places are no longer permanent homes. They were driven from the San Timoteo canyon in the forties by the ravages of small-pox, and the first reservation to be met now, as one rides eastward through the pass where they once held sway, is below Banning, at Potrero..."<sup>40</sup>

Strong agreed with this statement in principle. He concludes the "occurrence of Cahuilla in the San Bernardino region as an historic intrusion, and eliminate them from the problem of original ownership in the territory under discussion."<sup>41</sup> On Strong's Luiseno territory map, he wrote the following comment in the area just above the northern boundary, "probably

<sup>37</sup> Kroeber 1907, p. 132-133.

<sup>38</sup> Kroeber 1907, p. 133.

<sup>39</sup> Strong 1929, p. 7.

<sup>40</sup> Barrows, David P. *The Ethno-botany of the Coahuilla Indians of Southern California*. University of Chicago Press, Chicago, 1900, p. 32-33.

<sup>41</sup> Strong 1929, p. 7.

Gabrielino, though occupied by Mountain Cahuilla in Mexican period.” (Figure 4)<sup>42</sup> In Bean’s study on the Wanakik (Pass Cahuilla), he found that the earliest definitive date of a Cahuilla presence in San Bernardino is 1820.<sup>43</sup> Two of the primary ethnographers who studied Cahuilla believe the movement of the Cahuilla into San Bernardino occurred in the mid-1800s. Therefore, it is a logical conclusion that if the Cahuilla had not moved into the San Bernardino area until historic times, they would not have been in the Project area before that because it is much farther west and the theory that the Project area was Cahuilla territory prior to the Luisefño presence fails.

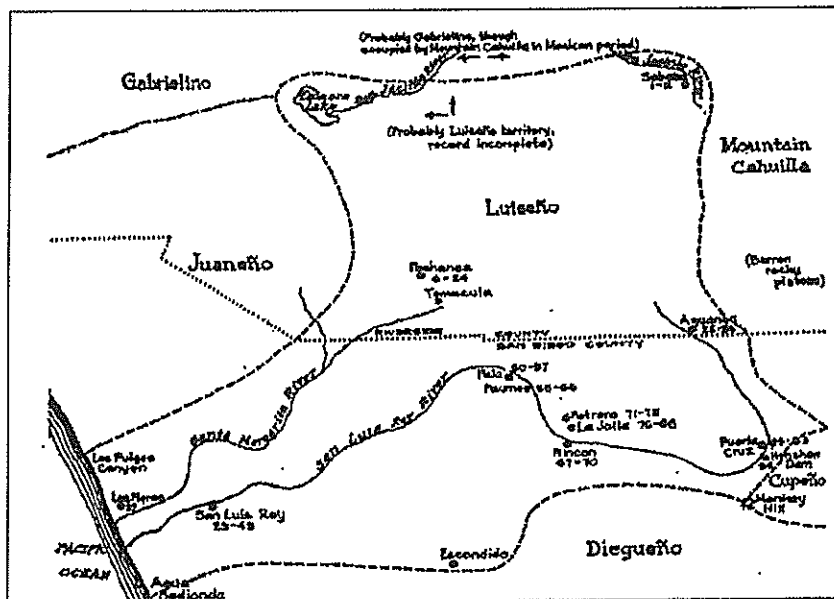


Figure 4: Strong 1929, p. 275. See note above northern boundary.

### Section 2.5.3 Historic Context of the Project Study Area

The Tribe is concerned that sheep herding is not addressed in the AEP. Sheep herding and shearing was a prominent activity in this region during the latter half of the 1800's and into the early 1900's. Several of Harrington's Luisefio consultants worked in the Winchester area and Pechanga elders recollect their parents and grandparents working as shepherds and shearers in this vicinity.<sup>44</sup> There is evidence of one of these sheep camps adjacent to the project area. A sheep corral is depicted and named on the 1880 plat map for Township 5 south, Range 2 west, sections 33 and 34. However, the site records for this location do not reflect this particular activity and upon review of CA-RIV-1418/H, "a granite fence" was documented, but according to the recording archaeologist, its use was unknown. The Historical Resources Evaluation

<sup>42</sup> Strong 1929, p. 275.

<sup>43</sup> Bean, Lowell, The Wanakik Cahuilla. *The Masterkey* 34(3):111-119.

<sup>44</sup> Vincent Ibanez, 1989. Interview conducted by Lowell Bean for the Diamond Valley reservoir project.

Report (HRER)<sup>45</sup> produced for the SR79 Widening Project further documents the fence as potentially related to the sheep use in the area based upon several criteria however, it is determined to be not eligible for the National Register of Historic Places (NRHP) because it is similar to other rock walls in the area.

### *Section 3.3.1 Research Context for Prehistoric Sites*

The Tribe recommends that the same goals and research methods that are suggested for use in Section 3.3.2.1 for historic archaeological sites also be utilized for prehistoric sites. More specifically, as the Tribe has argued in our past comment letters, the prehistoric sites that have been identified within the APE should all be evaluated in a landscape approach. The Tribe knows that the southern portion of the Project goes through a large village complex known as *Sóovamay* (SHOW-vah-my: additional information on this Complex below) and we are very concerned that individual sites being evaluated separately will result in total destruction of this area. We agree that "Many of these sites would not be considered significant if evaluated separately..."<sup>46</sup> and we urge Caltrans and Applied Earthworks to evaluate the area as a whole.

### *Section 3.4.3 Field Methods*

The Tribe believes that the Code of Federal Regulation (CFR) provided in the report as support for the report analyzing each site's components individually does not necessarily provide such support. 36 CFR 60.4(d) states "... (d) that have yielded, or may be likely to yield, information important in prehistory or history." First, part d is only one portion of the overall criteria and does not specifically speak to how the information should be viewed or evaluated. By utilizing a restrictive view of this regulation, the Tribe believes that the archaeological consultants have already relegated their identification of individual sites to an informational basis only rather than looking to whether a site or area might fit within one of the other criteria. Secondly, the National Register criteria in itself does not "...define the sites' significant qualities." Rather, it is important to not presume that only one of the National Register criteria is applicable to archaeological sites prior to making an eligibility determination. As pointed out, the specific criteria noted in the AEP tends to allow the archaeological consultants to argue for the segregation and separation of archaeological resources rather than evaluating the eligibility of an area according to the regional context.<sup>47</sup> While the Tribe understands that each 'site' has its own specific characteristics, the bigger and more important aspect of significance evaluation is how the sites fit together on the landscape. That is, how they relate to one another and what they, as a whole, can show us about our past Luiseño ancestral lifeways.

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<sup>45</sup> *Historical Resources Evaluation Report: Widen State Route 79 between Thompson Road and Domenigoni Parkway in the County of Riverside, California*. District 8-RIV-79-KP R13.5/R25.6 (PM R8.4/R15.8) EA 08-464600. Caltrans, December 2008.

<sup>46</sup> AEP page 3-10

<sup>47</sup> Interestingly, the AEP states in numerous locations that an analysis of the regional context will be made at a later date. This is contrary to adequate scientific practice in which all information must be taken into account when evaluating and assessing a resource.

#### *Section 3.4.3.4 Defining the Extent of Subsurface Deposits*

The Tribe has two primary concerns with this section. First, the sentence "All archaeological materials recovered would be collected for analysis" does not include the real possibility that sacred and/or ceremonial items may be uncovered. The Tribe recommends that in the event that sacred/ceremonial items are identified, in consultation with the Tribe, these items will be repatriated immediately to the Tribe. Any documentation of such types of resources will be allowed per recommendation of the Tribe.

Secondly, the Tribe would suggest that the use of shovel probes (SHPs) be replaced by small one meter by one-half (1x1/2) meter units. The use of SHPs reveals very little to the observer. These holes are limited in size and depth and unless they are specifically centered over a known subsurface deposit, are almost useless in their function. The Tribe argues that a few well-placed 1x1/2 units will provide a better stratigraphic profile, better depth analysis and overall better idea of what is subsurface in an area. They are also relatively quicker to excavate than a full unit, which is often more time consuming and invasive than a Phase II test requires. Auger borings can also be utilized in the bottom of 1x1/2 units more effectively.

#### *Section 3.4.4.2 Analytical Procedures – Special Studies*

The Tribe recommends that if any additional studies such as those listed within the Special Studies Section are proposed to occur, consultation with the Tribe should occur prior to submission for evaluation.

#### *Section 3.4.5 Regional Settlement Patterns Analysis*

It is our understanding that there are 28 sites located within all APE alternatives. It is further understood that no sites to date have been evaluated. The Tribe appreciates that Caltrans and the Project archaeologist will be conducting a more formal regional analysis of the Project area. We highly recommend that this analysis assist with significance determination. Habitation sites are of utmost importance to the Tribe because they are the last physical remains of where the ancestors lived. They contain information and data that are reflective of every aspect of tribal culture, including bedrock milling features which were their kitchens.

A major problem that the Tribe has been observing over the last few decades is the shift in archaeological practices which look at these resources on an individual scale, on a project-by-project basis. This piecemeal type of assessment belies the fact that many of these sites are much larger complexes, and thus results in evaluations of the sites as not being significant. Because of this approach, very little regional research had been conducted within the Riverside County area to connect the dots. This has resulted in the systematic destruction of villages and habitation areas.

We have previously submitted portions of the below information in our other comment letters in order to provide information with which to allow an assessment of the regional context; however, we have included this information again for the record. The Project APE is located within a highly sensitive and culturally significant area of Luiseño territory. Within the Luiseño Creation Story, the last of the *Káamalam* born was *Wuyóot* (We-YOUT). When he was poisoned and died, his passing was the first death of the *Káamalam*. Death did not exist before this time. *Wuyóot's* death frightened the *Káamalam*. There are several songs and stories related to this event. It is said that several of the *Káamalam* went up into the sky and became stars in an attempt to escape death.<sup>48</sup> The named stars are believed to have been the chiefs among the *Káamalam* and their relatives and supporters are now the unnamed stars grouped around them.<sup>49</sup>

The story of *Chéexayam* (Cheh-xhay-yam), the Seven Sisters, recounts how they ascended into the sky by climbing a rope that was let down for them called *wáanawut* (WAA-na-woot, the Milky Way). These stars are known today as the Pleiades. The *Chéexayam* were married to *Túukut* (TOO-koot, Wildcat) who would provide for them by descending *wáanawut* to hunt on the land. While *Túukut* was away, '*anó*' (ah-NOH, Coyote) would spy on the *Chéexayam*. He envied *Túukut* and wished he could be him. One day while *Túukut* was drinking at a pond, '*anó*' killed and skinned him. '*anó*' wore *Túukut's* skin in an attempt to trick the *Chéexayam* into believing he was their husband. He was successful for a while but the youngest star became suspicious. She finally convinced her sisters he was not their husband. The next time '*anó*' left, the sisters decided they would not let him return. As he was climbing back up, the sisters cut *wáanawut* and '*anó*' fell backwards. '*anó*' can still be seen following the *Chéexayam*; he is the star that trails them.<sup>50</sup>

The place where the *Chéexayam* lived before ascending into the sky is called *Chéexayam Pomwáppivo*, the eastern hill in what is now known as Double Butte, just north of Winchester, California. Linguist John P. Harrington recorded this name and location from his Luiseño consultants. Harrington created a detailed map during a place name trip he made with one of his Luiseño consultants, Vicente Lugo, who was from Pala but lived at Soboba. They traveled from Hemet to Perris and recorded Luiseño place names along the way. Jose Albañez and Maria Omish told Harrington there is a white stripe of rocks denoting the location of where the Seven Sisters lived before they flew away.<sup>51</sup> In the late 1800's, Albañez worked as a sheep shearer on a ranch near this location and told Harrington "an Indian told him this place name... meaning where the cabrillas flew away."<sup>52</sup> *Cabrillas* is the Spanish word for the Pleiades constellation. The hill adjacent to *Chéexayam Pomwáppivo* is called '*anó*' *potma* (ah-NO poht-ma), meaning

<sup>48</sup> DuBois, 1908, 162

<sup>49</sup> Ibid.

<sup>50</sup> Dubois, 1908, pg. 164; Villiana Calac Hyde and Eric Elliott, 1994. *Yumáyk Yumáyk, Long Ago*. University of California Press, Berkeley, pg 1290; John P. Harrington, 1937. Harrington collection audio recording #1532. Interview with Vicente Lugo. National Anthropological Archives, Suitland, Maryland.

<sup>51</sup> Harrington, 1985, 3:119:282a.

<sup>52</sup> Harrington, 1985, 3:119:222b.

'coyote's mouth.' This place is also in reference to the story of the *Chéexayam* and is known as the place where 'Coyote howled.'<sup>53</sup>

*Chéexayam Pomwáppivo* is important in Luiseño cosmology and is mentioned in ceremonial songs. Anthropologists and linguists believe the most archaic forms of a language are contained in religious contexts. Ethnomusicologist Helen Roberts, in 1933, recognized that "songs, especially religious songs, are apt to carry in their sacred and carefully preserved forms bits of archaic speech, fragments of information often impossible to secure from direct questioning, revelations of ancient doings, and of emotions and thoughts often otherwise hidden from profane cognizance."<sup>54</sup> Typically when locations are mentioned in Luiseño songs they are named as a couplet, meaning two words combine to describe a place or region. Sometimes the words may mean two different things or places, but together it may represent the order in which the places were visited by *Wuyóot* or other important people. The couplet could also represent a specific place or region. Often the exact translations or meanings of the words are not known by the speaker and sometimes even recognized as ancient words.<sup>55</sup> The place name and couplet, *Chéexayam Pomwáppivo* is the precise location of an ancient event; where the Seven Sisters launched themselves into the sky instead of turning into stone like most of the other *Káamalam*.<sup>56</sup>

In addition to *Chéexayam Pomwáppivo* and '*anó*' *potma*, there are three additional named locations adjacent to and extending across the southern portion of the Project area. *Hundlmo* (Hoo-NAL-mo) is the name of the town of Winchester as well as the eastern hill that is part of what is now known as Double Butte.<sup>57</sup> (*Hundáalmo* is discussed above.) In the late 19<sup>th</sup> century, Jose Albañez, as well as other Luiseño men worked as sheep shearers in this region.<sup>58</sup> A small hill east of the town of Winchester is called *tutpáama* (toot-PAH-ma). It was a place where people would gather edible plants.<sup>59</sup>

In addition to the places named above, there are many songs and oral accounts that specifically call out events that occurred throughout the entire APE. However, there is one Luiseño place that will be directly impacted by the proposed project. The large village complex of *\$óovamay*, meaning 'sumac place,' exists partially under Diamond Valley Lake and partially surrounding the Lake within a roughly six (6) square-mile radius. This place name is derived from the Luiseño word for 'three-leaf sumac,' *\$óoval* (SHOW-val). This plant grows abundantly in the region and it has several uses which include twine for making baskets and is also used to

<sup>53</sup> Harrington, 1985; 3:119:282 and Harrington 1937.

<sup>54</sup> Helen H. Roberts, 1933. "Form in Primitive Music." American Library of Musicology, W. W. Norton & Company, Inc, New York, pg. vi).

<sup>55</sup> Eric Elliott, 1999. Luiseño Dictionary. Ph.D. Dissertation, University of California, San Diego.

<sup>56</sup> Mark Macarro, 2008. personal communication.

<sup>57</sup> John P. Harrington, 1985. The Field Notes of John P. Harrington at the Smithsonian, Volume 3, Southern California and Basin. Kraus International Publications, Millwood, New York, 3:119:433a.

<sup>58</sup> Harrington, 1937.

<sup>59</sup> Harrington, 1985, 3:119:433a.

tie thatch onto brush houses.<sup>60</sup> According to J.P. Harrington's consultants, *Sóovamay* spring is located at the south end of Warren Road at the base of the hills, to the east of the APE. There was an old trail adjacent to the spring which joined a larger trail system that cut through Domenigoni and Diamond Valley.<sup>61</sup> This larger trail appears on both the 1867 and 1880 plat maps and is labeled "road from Temecula to San Jacinto." This trail traverses several recorded cultural sites in Domenigoni and Diamond Valley and connects with several others in the region. On the 1880 plat map of Township 5 south, Range 2 west, section 34, several of these trails/roads intersect. This appears to have been a junction that connected the Hemet/San Jacinto Valley with the Temecula and Menifee regions. Most of these roads recorded on the historic plat maps were built upon old Native American migration and trade routes which are now modern roads. It is well documented in the archaeological record that small habitation areas are found along old trail systems. Elders from Pechanga remember this area as always being a place to travel through, from Hemet to Temecula.

The 1867 and 1880 plat maps also documented several springs in the Domenigoni and Diamond Valley regions including two that were quite large and named. The location of *Sóovamay* spring (location discussed above) does not appear on the plat maps but was recorded by Harrington in 1933.<sup>62</sup> The archaeological site record for CA-RIV-5792, which is located near Newport Road and adjacent to the project area, noted there was a "wet area nearby suggesting a marsh once existed." The abundance of water in the region would have supported large populations as evidenced by the village complex in the area. The influx of ranchers and farmers in the late 1800's can be attributed to the amount of available water in the territory.

The AEP discusses a model developed for the Sierra Nevada and the tribes associated with that geographical area. We would suggest that the research conducted for this Project be from more local sources, which are more appropriate to the local tribes. For example, True and Waugh (1982)<sup>63</sup> pointed out that the Luisefño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that either pre-contact or post-contact San Luis Rey Luisefño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that were situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to "village" organizations. In other words, the Luisefño people had developed a very complex sense of community and permanent Settlement Pattern; it was embedded in their Social History.

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<sup>60</sup> Eric Elliott, 1999. Luisefño Dictionary. Ph.D. Dissertation, University of California, San Diego.

<sup>61</sup> Harrington, 1985; 3:119:433.

<sup>62</sup> Ibid.

<sup>63</sup> True, D. L. and George Waugh. Proposed Settlement Shifts during San Luis Rey Times: Northern San Diego County, California. *Journal of California and Great Basin Anthropology* 1982, 4(2):34-54.

The use of the "key site" model can be a useful tool when analyzing a large region – that is, when the researcher is looking for specific clusters of individually recorded sites, however it should be noted that, although limited, research has been conducted on Luiseño Village Complexes in this particular region and those may not necessarily fit into a specific "14 or more" ideal. Kroeber (1925) and Heizer (1978) used ethnographic data to describe the Luiseño Indians' settlement pattern as consisting of permanent villages of 75 to 200 people located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. It has also been suggested ethnographically that frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Expanding on Kroeber and Heizer's general description, True and Waugh<sup>64</sup> described Luiseño settlement patterns as;

*The bipolar settlement pattern of the San Luis Rey was represented by relatively permanent and stable villages (both winter and summer), inhabited by several groups exploiting well-established territories and resources that were defended against trespass (we follow Flannery [1976:164] in using "village as a generic term for any small permanent community"), they saw this as a result of a reasonably long process of adaptation during which several strategic changes take place in settlement location patterns and in procedures for collecting resources. These strategic changes included a "trend toward the congregation of people along the major tributaries, with each tributary and its immediate environs occupied and exploited by a family-based kin group of some kind.*

We argue that "isolated bedrock milling sites" are not at all isolated but represent a very intentional pattern of settlement design based upon familiar size and connections, availability of resources and, possibly most important, personal space and privacy. The Luiseño people understand this about their ancestors and why Pechanga continuously argues for a more culturally sensitive and regional analysis of resources. For example, during his visit to Luiseño settlements in the La Jolla region in 1901, Merriam noted that "in many cases the Indians have great masses of tuna, 10-20 feet high, about or near their adobe houses" which "are not near together but scattered about, usually 1/8 or 1/4 of a mile apart and on a cleared place surrounded by chaparral."<sup>65</sup> Luiseño settlement patterns have been described ethnographically by Sparkman<sup>66</sup> and Strong<sup>67</sup> as sedentary and territorial, with the extended families residing in villages with individual living areas separated anywhere from 1/4 of a mile to 1/2 a mile apart. The proposal that a village footprint covers an expansive area, with each family having its own

<sup>64</sup> True and Waugh 1982, p. 35

<sup>65</sup> Merriam, C. Hart. *Studies of California Indians*. The Staff of the Department of Anthropology of the University of California, eds. Berkeley: University of California Press. 1955

<sup>66</sup> Sparkman, Philip Stedman, *The Culture of the Luiseño Indians*. University of California Publications in American Archaeology and Ethnology 1908, 8(4).

<sup>67</sup> Strong, William D. *Aboriginal Society in Southern California*. University of California Publications in American Archaeology and Ethnology 26, 1929

milling feature(s) is supported by Bean when he argues that "homes were located some distance apart to provide privacy for families, if terrain permitted."<sup>68</sup> Bean and Smith also suggest that "a village might occupy three to five square miles."<sup>69</sup> While Oxendine's<sup>70</sup> dissertation is often cited when discussing late prehistoric village attributes and locations, little has been done to expand on her definition of a village footprint. The idea that villages could cover an expansive area is supported by *Archaeological Investigations at Molpa, San Diego County, California*. Here, True et al.<sup>71</sup> suggest that the larger outcrops containing multiple milling features are community milling areas and that each group or family within the community had its own specific milling boulder. In other words "each group then had its milling area and each family woman had her mortar or group of milling elements." To support this claim, True et al. gives the following example: The milling stones located at Silver Crest (Palomar Mountain State Park) belonging to the adjacent Pauma Village were identified by Max Peters as the property of a specific family. Each family had its own "place" and each mortar hole belonged to a particular "lady." "If the pattern at Molpa in protohistoric times followed that of the adjacent Pauma Village, it is likely that these "holes" were passed down from mother to daughter and were used until they became too deep to be functional."<sup>72</sup> Thus there is support for the Tribe's assertion that each milling feature signifies an integral portion of the much larger village present at the site.

The Tribe is happy to work with Caltrans and Applied Earthworks to assist in developing the Settlement Patterns Analysis so that it can accurately reflect both scientific archaeological data as well as tribal traditions and knowledge of the ancestors past activities.

#### *Section 4.3 Treatment of Human Remains*

The Tribe understands that the AEP only addressed the current proposed fieldwork. We would like Caltrans to understand that we have serious concerns regarding the unanticipated discovery of human remains during any excavations after the selection of the preferred alternative. It is Pechanga's belief that human remains are to be preserved *in situ*. The Tribe requests additional consultation with Caltrans in order to develop appropriate protocols should the human remains be identified during this critical phase of the Project.

#### *Chapter 5 Curation*

The Tribe does not agree that all cultural resources collected during the Project should be curated at the San Bernardino County Museum (SBCM). We request that Caltrans commit to

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<sup>68</sup> Bean, Lowell J. *Mukat's People: The Cahuilla Indians of Southern California*. University of California Press, Berkeley, 1972, p. 71

<sup>69</sup> Bean, Lowell J. and Charles R. Smith. Serrano: In *Handbook of North American Indians, Volume 8, California*, edited by Robert Heizer, Smithsonian Institution, Washington D.C., p. 43.

<sup>70</sup> Oxendine, Joan. *The Luiseño Village During the Late Prehistoric Era*. Ph.D. Dissertation, University of California, Riverside, 1983

<sup>71</sup> True et al 1974 p. 43

<sup>72</sup> Ibid 1974 p. 43

giving the Pechanga Tribe the option to take possession of the items for appropriate treatment, which could include reburial on the Project property (or other acceptable location), repatriation of the items to the Tribe or curation in the Tribe's own Part 79 qualified facility.

### **CONTINUED TRIBAL INVOLVEMENT**

The Tribe will continue to be involved and participate with the Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project. In addition, given the sensitivity of the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors be required to be present during all ground-disturbing activities conducted in connection with the Project, including any additional archeological excavations performed.

The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between Caltrans, or the appropriate entity, and the Pechanga Tribe.

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506a.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5-10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

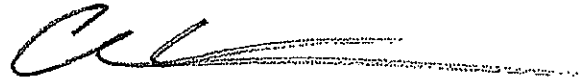
Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. This is addressed in the AEP however, given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project.

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Re: Pechanga Tribe Comments on the AEP for the SR79 Realignment, EA49400  
July 15, 2011  
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The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with Caltrans in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 once you have had a chance to review these comments so that we can schedule tribal monitoring and continue consultation. Thank you.

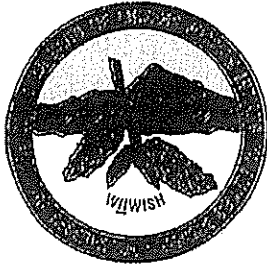
Sincerely,



Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel  
Brenda Tomaras, Tomaras & Ogas, LLP

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**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luisefio Mission Indians*

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Aurelia Marruffo  
Richard B. Searce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

April 23, 2012

**VIA E-MAIL and USPS**

Mr. Gary Jones  
Assoc. Environmental Planner, Archaeologist  
Department of Transportation, District 8  
Environmental Planning (MS 825)  
464 W. Fourth Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92401-1400

**Re: Pechanga Tribe Comments on the Mid-County Parkway Findings of Effect (MCP  
FOE)**

Dear Mr. Jones:

This comment letter is written on behalf of the Pechanga Band of Luisefio Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government in response to the Findings of Effect dated March 2012. The Tribe formally requests to continue to be notified and involved in the entire environmental review process for the duration of the above referenced project (the "Project"). Please also incorporate these comments into the record of approval for this Project.

The Tribe has a long history of participating and commenting on this Project, dating back to 2004. Throughout this process, the Tribe has openly conveyed its knowledge about the area as well as comments and concerns about this Project in numerous written communications and meetings. The Tribe appreciates that its comments were taken into account during the evaluation of P-33-016598, including the need for the entirety of the village to be evaluated for adverse effects. We concur that the entire Village of *Paavo* is significant and eligible for the National Register of Historic Places (NRHP) and that the Project will cause adverse impacts to that site. As detailed more below, however, the Tribe does not agree that any part of the Project should impact any of the site.

We are also disturbed that the five remaining individual sites located within the Project APE are not being addressed in the larger cultural context of the area and are not identified as significant under CEQA or NEPA. We urge the agencies to again review our previous

comments regarding the cultural landscape and importance of this area and the larger context in which these "sites" lie, in order to understand their nature and properly assess their value.

### **PECHANGA CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), village complexes and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area.

The Tribe has submitted comments regarding its territory affiliation in previous comment letters. We would urge the FHWA, Caltrans and RCTC to review our information and recognize that the Tribe has extensive knowledge about the Project area and its territory. The Tribe does not involve itself in projects unless it has distinct and urgent concerns about the protection and preservation of Luiseño resources. The Tribe welcomes the opportunity to meet with the FHWA, Caltrans and RCTC to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdictions.

### **TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION**

The Tribe is in receipt of the *Findings of Effect, Volume 1, Mid-County Parkway, Riverside County, California* dated March 2012. As Caltrans is aware, the Mid-County Parkway Project is located in a highly sensitive region of Luiseño territory. While the Tribe is not opposed to this Project as a whole, the Tribe is opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources, including those impacts proposed to *Paavo'* (P-33-016598) and the additional five cultural sites that were determined to be not eligible for the NRHP (33-19862, -19863, -19864, -19865, -19866).

As stated above and in our previous comments, the Tribe does not agree with the ineligibility determination of the five sites. The Tribe knows that these individual activity areas are part of a larger complex of "sites" that, when viewed at a landscape level, form a larger habitation, or village, complex that stretches for several miles. While we have not seen a Final Historic Properties Survey Report (HPSR) or a Response to Comments, the Tribe concludes by this FOE that our information about this area and our recommendations to reevaluate these sites in a larger context was not addressed by Caltrans in order to make a determination that these sites are eligible. The Tribe requests to continue working with the FHWA, Caltrans and RCTC to avoid and preserve these sites during the construction of the MCP.

The Tribe does concur that the *Paavo'* complex is highly significant and sacred to the Tribe and that it is eligible in its entirety for the NRHP. We have provided the following comments on Section 5.1 Effects Assessment for 33-16598.

*5.1.1 36 CFR 800.5(a)(2)(i) – Physical Destruction of or Damage to All or Part of the Property*

The Tribe concurs with the Caltrans determination that destruction of the northeastern portion of *Paavo'* is an adverse effect. As is noted in the FOE, "[T]he Tribe believes that all portions are contributing components to the overall integrity of the site as demonstrated by the presence of ceremonial items and the drawing of the site boundary to include this area, and the destruction of any portion of the site is a destruction of the totality of the site." Based upon the information previously provided, the Tribe still maintains that it does not agree with the destruction of the site, regardless of the scientific evaluation that this is a "non-contributing element" to the village.

*5.1.2 36 CFR 800.5(a)(2)(ii) – Alteration of a Property, Including Restoration, Rehabilitation, Repair, Maintenance, Stabilization, Hazardous Material Remediation and Provision of Handicapped Access, that is not Consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) and Applicable Guidelines*

The Tribe concurs that there will be an adverse effect as a portion of *Paavo'* will be destroyed. The Tribe continues to request avoidance of the entirety of the site and requests to work closely with the FHWA, Caltrans and RCTC to develop appropriate mitigation measures during construction.

*5.1.3 36 CFR 800.5(a)(2)(iii) – Removal of the Property from its Historic Location*

The Tribe concurs that *Paavo'* will not be removed from its physical location such as a historic building might be removed, however the soils that are currently covering the intact deposits of the village will be removed. If these soils are removed to another location within the Project APE, then an adverse effect will occur per this criteria. At this time, the Tribe requests that none of the soils that are to be overexcavated within the village be removed from their original location to be utilized elsewhere in the Project. The Tribe will consult further with FHWA, Caltrans and RCTC regarding this issue and work towards developing appropriate mitigation measures to address our concerns.

*5.1.4 36 CFR 800.5(a)(2)(iv) – Change of the Character of the Property's Use or of Physical Features Within the Property's Setting that Contribute to its Historic Significance*

The Tribe argues that the MCP Project has already caused an adverse effect to the character of the village. During the archaeological excavations of this area, ceremonial artifacts were uncovered and, due to the proposed future impacts, had to be relocated and reburied in a location that was not proposed for development. The Tribe believes that, had the Project not been proposed for this area, these resources would have been left to weather the natural course of events the ancestors had intended. Therefore, because ceremonial artifacts were impacted, the Tribe believes that the character of the village has been impacted and will likely continue to be impacted as additional development occurs for the MCP.

*5.1.5 36 CFR 800.5(a)(2)(v) – Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features*

The Tribe does not agree with the conclusion that the visual and audible elements are not adverse effects. The argument for the criteria does not support the conclusion. The first paragraph states that the MCP will be raised 10-15 feet from the current Ramona Expressway and that the ceremonial portion of the site is 0.25 miles to the south. The Tribe believes that raising the roadway such a significant amount is a significant visual impact and that one quarter mile is not a large enough distance to reduce the impacts. The argument is only looking at the roadway; it does not take into account the visual disruption from the increased traffic, including large diesel trucks that will be traveling on the Parkway. Furthermore, with the increased traffic, the noise levels will increase and be a constant impediment to the relative quiet of the area as it exists now.

Although the second paragraph acknowledges that there will be visual and auditory impacts, the argument that the "impact will not rise to the level of being adverse" is subjective and not supported by the information provided. At this time, the Tribe cannot concur with this finding.

*5.1.6 36 CFR 800.5(a)(2)(vi) – Neglect of a Property which Causes its Deterioration, Except Where Such Neglect and Deterioration are Recognized Qualities of a Property of Religious and Cultural Significance to an Indian Tribe or Native Hawaiian Organization*

The Tribe concurs that the MCP Project will not directly cause neglect of the village.

*5.1.7 36 CFR 800.5(a)(2)(vii) – Transfer, Lease, or Sale of Property out of Federal Ownership or Control Without Adequate and Legally Enforceable Restrictions or Conditions to Ensure Long-Term Preservation of the Property's Historic Significance (36 CFR 800.5 (a)[2J]).*

The Tribe concurs.

*5.1.8 Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative*

The Tribe believes that cumulative impacts will occur as a result of the MCP Project. As we have previously relayed to Caltrans, the increase of vehicles in an area increases air pollution. The Tribe is not aware of any research that has been conducted on *tóota yixélval* (rock art) to determine whether an increase in pollution levels will negatively affect the pigments and surface of the rocks; however, we believe that the increased toxin levels will have a long-term effect.

Furthermore, it can be argued that the improvement of Ramona Expressway and the creation of MCP will facilitate an increased number of people who will travel through the area and reside in the future Villages of Lakeview project. While the people traveling through the area may not be able to park and have direct access to the village via MCP, the increase of people to this area will create a problem. The ceremonial area, as the most visible portion of the village, could be impacted by graffiti, looting or vandalism and considered by local planning and law enforcement as an attractive nuisance. As the Tribe is concerned about long-term protection of this sacred and ceremonial area, we request to continue working with FHWA, Caltrans and RCTC to develop appropriate mitigation measures that will assist in reducing these adverse effects created as a result of the MCP Project.

#### *5.1.9 Cumulative Effects of the MCP and the Adjacent The Villages Of Lakeview Specific Plan*

The Tribe concurs that the development of these two projects will adversely affect *Paavo'*. The Tribe has consistently stated to the FHWA, Caltrans, RCTC and the County of Riverside that destruction of any portion of this area is a destruction of the total village. The construction of MCP and The Villages of Lakeview project within the village boundaries is a difficult compromise that the Tribe did not concur with during the County of Riverside Planning process and one which we still do not agree and in fact it is the Tribe's understanding that the County may be required to re-do its EIR. Thus, the viability of the Villages of Lakeview Project itself is still in question.

The tribes of Riverside County constantly compromise their sensitive and important cultural sites for the sake of development, and must constantly abide by the recommendations of planners, archaeologists and other planning officials, even to the detriment of these areas. Therefore, as stated previously, the Tribe remains opposed to direct, indirect and cumulative impacts to our sensitive, sacred and ceremonial cultural landscapes and villages.

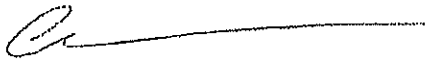
#### **REQUESTED TRIBAL INVOLVEMENT**

The Tribe requests to continue to be involved and participate with the FHWA, Caltrans and RCTC in developing the HPTP and the Memorandum of Agreement (MOA) that will be developed for this Project as well as appropriate mitigation measures to assist with avoidance, short-term Project mitigation and long-term preservation measures for *Paavo'*.

Pechanga Comment Letter to Caltrans  
Re: Pechanga Tribe Comments on the Mid County Parkway FOE  
April 23, 2012  
Page 6

The Pechanga Tribe looks forward to working together with the FHWA, Caltrans and RCTC in protecting the invaluable Pechanga cultural resources found in the MCP Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we can proceed with developing the appropriate documented required on this Project. Thank you.

Sincerely,



Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel  
Terri Fulton, Project Archaeologist, LSA Associates  
Phil Fulton, Project Archaeologist, LSA Associates  
Stephanie Stoermer, Federal Highway Administration

---

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians  
Post Office Box 2183 • Temecula, CA 92592*

*Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need*



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

California Division

June 14, 2012

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

In Reply Refer To:  
HDA-CA

Ms. Anna M. Hoover  
Cultural Analyst  
Pechanga Band of Luiseno Mission Indians  
P.O. Box 2183  
Temecula, CA 92593

Subject: Response to Pechanga Tribe Comment Letter on Historic Property Survey Report for the Mid County Parkway Project

Dear Ms. Hoover,

The Federal Highway Administration (FHWA) would like to thank the Pechanga Band of Luiseño Indians (Pechanga) for their February 22, 2012 letter and comments on the Mid County Parkway (MCP) Historic Property Survey Report (HPSR) distributed to the Pechanga on November 3, 2011. The Pechanga comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and have been incorporated into the revised draft documents. This letter addresses several comments in the February 22, 2012 letter from Pechanga.

### **Specific Comments**

*1. The Tribe formally requests to be notified and involved in the entire environmental review process for the duration of the above referenced project (the "Project"). (Page 1, first paragraph)*

The Tribe has been and will continue to be included in the distribution lists for circulation of all documents, including environmental review documents and archaeological reports.

*2. The Tribe does not agree with the Archaeological Survey Report (ASR) which states that the Project area was primarily occupied by the Cahuilla. (Page 4, first full paragraph)*

*The use of specific ethnographic maps in the ASR without an adequate discussion of the alternative theories is problematic... (Page 5, second paragraph)*

*Furthermore, the sole usage of Cahuilla Tahquitz stories is misleading as the Luiseño have extensive stories about Takwish as well. (Page 5, third paragraph)*

Information provided by Pechanga in the February 22, 2012 letter has been included in HPSR Attachment B, Archaeological Survey Report (ASR), 5.2 Ethnography.

*3. The area that is slated for impact from the Mid-County Parkway Project (MCP) was determined by the archaeological consultants to be a non-contributing factor and was approved for destruction and as discussed further below, the Tribe continues to disagree with this assessment. (Page 6, first full paragraph)*

As noted in the Archaeological Evaluation Report (AER), "[I]n spite of the overall eligibility of the site under Criteria A/1, C/3, and D/4, there is no evidence of midden soil, cultural features, or cultural stratigraphy within the lower alluvial fan in the right of way, and it is highly likely that the minimal number of subsurface artifacts (most of which were non-diagnostic) was transported into the area by alluvial processes. These items have been further displaced by extensive rodent activity visible in the krotovina. Based on this information, the portion of Site 33-16598 within the right of way is unlikely to answer any research questions proposed in the Archaeological Evaluation Proposal (AEP)."

*4. Because this is a significant site with important cultural value, the Pechanga Tribe has consistently taken the position that the entire site be avoided and preserved in place with no development activity to directly or indirectly affect this significant traditional cultural area. (Page 6, second full paragraph)*

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use and transportation planning in Riverside County through the Riverside County Integrated Project (RCIP). In 1999, the County of Riverside and the RCTC initiated the *Community and Environmental Transportation Acceptability Process* (CETAP) Project. CETAP was one of the first seven projects in the nation to be processed under Executive Order 13274 for "Environmental Stewardship and Transportation Infrastructure Reviews". The CETAP Project was intended to provide Tier 1 EIR/EISs that would provide environmental clearance of transportation corridors to facilitate route preservation and planning during ongoing regional land development.

CETAP was a component of the RCIP, which also included an updated Riverside County General Plan and a Multiple Species Habitat Conservation Plan (MSHCP) for western Riverside County. The purpose of the RCIP was to integrate the processes of planning land uses, transportation improvements, and preserving habitat for endangered species. A primary objective of the RCIP was to accommodate projected population growth within Riverside County by focusing development within areas that are readily accessible, providing a good quality of life for future residents, and minimizing environmental and community impacts, including impacts to sensitive habitats and endangered species. The RCIP process sought to achieve approvals of the revised General Plan, the MSHCP, and two CETAP transportation corridors internal to Riverside County (Winchester to Temecula and Hemet to Corona/Lake Elsinore).

The Notice of Intent (NOI) to prepare a tiered Environmental Impact Statement (EIS) for the Hemet to Corona/Lake Elsinore Corridor was published in the Federal Register on August 2, 2001. The NOI indicated that the Tier 1 EIS to be prepared would be used to support a route location decision and that the future Tier 2 EIS would be prepared to present the design features

and construction level of detail for the evaluation of alternatives within the preferred route. As stated in the NOI, "the objective of the proposed EIS is to provide environmental analysis of a multimodal transportation facility within the Hemet to Corona/Lake Elsinore Corridor to allow agencies to proceed with the preservation of right-of-way for a preferred alternative.

For the CETAP Hemet to Corona/Lake Elsinore Corridor (HCLE) HPSR and supporting documents, the following tasks were completed:

- A records search of all known cultural resources within a 1 mi buffer of the centerline of each HCLE Alternative.
- For all areas that have been previously surveyed, those surveys were ranked on a tripartite scale based on whether the survey was considered comprehensive under current Professional Practices.
- Coordination and consultation with the California Native American Heritage Commission (NAHC).
- Consultation and coordination with Native American tribes identified as having an interest within the project area.
- A comprehensive pedestrian survey of the project alignments.

The records search demonstrated that 239 previous surveys that impinged on the HCLE project area had been conducted. A total of 78 percent of these surveys (n=186) were ranked at the lowest level in the ranking scale. The records search also documented 405 cultural resources along the HCLE corridor. Of these, 299 are prehistoric archaeological sites, 86 represent historic sites, 7 are isolates, and 7 represent multi-component archaeological sites.

The total HCLE Corridor project area encompassed 13,819 ac. Initially, the intent of this study was to survey previously unsurveyed portions of the HCLE Corridor representing 67.4 percent of the total area (9,309.2 ac). As the records search results were tabulated, it became apparent that 80 percent (3,235.6 ac) of the previously surveyed areas fell into the lowest ranking of survey adequacy. Subsequently, LSA surveyed almost the entire project area (13,354 ac), except where access to the area was denied by the property owner (an area representing 466.3 ac, or 3.4 percent of the project area). A sum of 180 new archaeological and historic sites were identified during the survey.

As previously noted, the CETAP project investigated two corridors: a north-south-trending corridor--the Winchester to Temecula Corridor--and an east-west-trending corridor--the Hemet to Corona, Lake Elsinore (HCLE) Corridor. For the HCLE Corridor, seven alternatives were ultimately considered. The overall MCP project is intended to provide the major east-west corridor proposed as the HCLE Corridor.

The Draft Tier 1 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was completed for the HCLE Corridor and circulated for public review in 2002 with a suite of 14 "build" alternatives. Please note that this document is available online at [http://www.rcip.org/hcle\\_toc.htm](http://www.rcip.org/hcle_toc.htm)

Subsequently, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project-level environmental document for a west-east alternative that would generally follow the existing alignment of Cajalco Road and Ramona Expressway, known as the MCP project.

Engineering and environmental studies were initiated in 2004 for the MCP project, a proposed 32 mi facility between Interstate 15 (I-15) and SR-79, and in September 2007 the RCTC Board selected a Locally Preferred Alternative (Alternative 9 Temescal Wash Design Variation) for the MCP project. Then, in October 2008, a Draft EIR/EIS for the MCP project was circulated for a 90-day public review period. During this time, six public meetings/hearings were held and RCTC accepted public comments for the record at all of these meetings along with comments via the MCP project website and email. Over 3,100 comments were received from 50 public agencies and organizations, 10 large property owners, 240 individuals, and a form letter from over 1,100 individuals nationwide. Two key themes emerged in the public review comments: the cost and timing of available funds for the project, and concerns about the impacts to rural communities and existing habitat reserves.

In Spring 2009, to address the concerns identified in public comments on the Draft EIR/EIS, RCTC as the lead agency under CEQA, FHWA as the lead agency under NEPA, and Caltrans (acting as an agent and providing oversight for the NEPA process) developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 mi (I-15 to SR-79) to 16 mi (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 and SR-79. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS for the modified project.

With regard to cultural resources, the records search and field surveys conducted for the HCLE provided a "universe" of resource locations within the broad corridor that were considered for route preservation. Subsequently, the Project Design Team used this baseline data to formulate the initial alignment for the MCP project to avoid and minimize impacts to cultural resource sites. In 2003, the project development effort transitioned from a programmatic level to a project level effort and the proposed alignment for the MCP was initially very broad (500 feet [ft] on either side of the centerline of each alternative) for follow-up surveys and cultural resource work. This resulted in the completion of Extended Phase One work for all MCP Build Alternatives to ensure resource avoidance and minimization of impacts. In addition, project impacts to resources were assessed through a Phase II Evaluation effort at sites within the APB of the locally preferred alternative (Alternative 9). All of this data formed the Cultural Resource Geographic Information System (GIS) database that was further utilized during project design refinements (e.g., such as retaining walls to avoid sites that might have otherwise been impacted by cut or fill slopes) to further avoid and minimize impacts to cultural resources.

In addition, throughout the CETAP programmatic planning process and subsequent project level effort work, extensive consultation was conducted with local Native American groups and Interested parties. Native American consultation for these earlier projects included project review meetings and on-site meetings to discuss specific resources. Consultation included the Office of Historic Preservation and the Advisory Council on Historic Preservation to discuss possible project effects to archaeological site CA-RIV-16598.

The net result of these continuous avoidance and minimization efforts was to reduce the total potential cultural resource impacts from the construction of the MCP project to impacting five prehistoric archaeological sites, one historical archaeological site, and one built environment resource.

While the MCP project will effect a small portion of site CA-RIV-16598, as noted in a letter dated October 24, 2007 from Edrie Vinson (Senior Environmental Specialist, FHWA) to Laura Miranda (Pechanga Band of Luisefio Indians), "Through the consultation that began in 2004 between Pechanga and RCTC, Pechanga has played a key role in decisions on alignment options and site preservation issues, including numerous meeting discuss the Cajalco Creek Site (P-33-13791). Going back to RCTC's meeting with you and other Pechanga Tribal members in August 2004, RCTC listened to concerns regarding the cultural importance of this site to the Tribe. Consequently, RCTC searched for different alternatives for avoiding or minimizing effects to this site, which were then reviewed by the Pechanga Tribal Council. Ultimately, the importance of this site to Pechanga was one key factor in RCTC's decision to select Alternative 9 as their locally preferred alternative. Alternative 9 is the only alternative that fully avoids the Cajalco Creek Site."

*5. ...the ASR states that extensive research was conducted in an effort to identify previously recorded sites in a one mile radius of the project area....*

*The Tribe questions why this data was not utilized since it appears the analysis for the cultural sites was limited to only those sites recorded within or immediately adjacent to the Direct APE.*

Information regarding cultural resources in the vicinity of the project area has been added to the ASR, Section 4.1 Summary of Methods and Results.

*6. The Tribe is further concerned with the auditory and visual impacts, cumulative impacts and the growth-related or long-term impacts that the Project will have on these sites. (Page 8, first full paragraph)*

To meet both National Environmental Policy Act (NEPA) and California Environmental Policy Act (CEQA) expanded discussions of growth-related impacts, visual and aesthetics, and cumulative impacts are required in the environmental documents. In addition, the draft Findings of Effect (FOE) prepared for the Mid County Parkway project contains section 5.0 Application of the Criteria of Adverse Effects, which includes, "36 CFR 800.5(a)(2)(v) – Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features" and "Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative."

*7. The Tribe will continue to be involved and participate with the FHWA and Caltrans in assuring that adequate archaeological studies are completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project.*

The FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties.

FHWA would like to thank you for your commitment to the Native American consultation being conducted for this project. Please contact Shawn Oliver at (916) 498-5048, email [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov), or Stephanie M. Stoermer at our Resource Center at (720) 963-3218 e-mail [stephanie.stoermer@dot.gov](mailto:stephanie.stoermer@dot.gov) if there are any questions or additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Marimano", with a long horizontal flourish extending to the right.

Vincent P. Marimano  
Division Administrator

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

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June 27, 2012

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California Office of Historic Preservation  
1416 Ninth Street, Room 1442  
Sacramento, CA 95814

08-Riv-MCP  
PM 0.0/16.3  
Mid County Parkway Project

EA 0F320  
PN 0800000125

Dear Mr. Donaldson:

Request for Concurrence on Determinations of Eligibility for the Proposed Mid County Parkway Project, Riverside County, California

The California Department of Transportation (Department) in coordination with the Riverside County Transportation Commission (RCTC) is requesting concurrence from the State Historic Preservation Officer (SHPO) regarding the determinations of eligibility for the Mid County Parkway Project. This request for concurrence is undertaken in accordance with the January 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Preservation Officer, and the California Department of Transportation (PA)*.

Enclosed you will find a Historic Property Survey Report for the Mid County Parkway Project, Riverside County, California. Under the PA, Caltrans is responsible for ensuring the appropriateness of the Area of Potential Effect (APE) (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). In accordance with Stipulation VIII.C, Caltrans is submitting determinations of NRHP eligibility and supporting documentation to the SHPO for comment.

The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles. A full project description and the Area of Potential Effects (APE) can be found on page 3 and Volume II, Attachment A of the attached HPSR.

Section 106 activities to date for this undertaking include a Historic Property Survey Report (HPSR, June 2012), which documents the identification and evaluation of cultural resources within the project's Area of Potential Effects (APE). Consultation and identification efforts for the proposed undertaking (summarized on page 3-25 in the HPSR) resulted in the identification of seven cultural resources in the APE that required evaluation.

One property was determined eligible for listing in the NRHP:

- 33-16598/CA-RIV-8712, Prehistoric multi-use site containing rock art, cupules, rock shelters, midden, and milling features.

Five properties were determined ineligible for listing in the NRHP

- 33-19862, milling features
- 33-19863, milling features
- 33-19864, milling features
- 33-19865, remnants of a historic homestead and well
- 33-19866, milling features

One property was previously determined not eligible for listing in the NRHP and you provided concurrence in a letter dated August 2, 2010.

- 33-15752, CBJ Dairy

In addition, one property is assumed eligible for the purposes of the current undertaking pursuant to Stipulation VIII.C.3 of the PA:

- 33-3653, milling features

Pursuant to Stipulation VIII.C.3 of the PA, the Department is considering 33-3653 to be eligible for the NRHP under Criterion D for the purposes of this undertaking without conducting subsurface testing or surface collection and will establish and enforce ESAs to ensure that there will be no adverse effects to the property as a result of the proposed undertaking pursuant to Stipulation X.B.2.a(ii).

Pursuant to Stipulation VIII.C.5 of the Section 106 PA, we request your concurrence that 33-16598/CA-RIV-8712 is eligible for listing in the NRHP.

Pursuant to Stipulation VIII.C.5 of the Section 106 PA, we request your concurrence that 33-19862, 33-19863, 33-19864, 33-16865, and 33-19866 are not eligible for listing in the NRHP.

All other known resources within the APE, including state-owned resources, have no potential for historic significance and are considered exempt because they meet the criteria for Section 106 PA

Dr. Wayne Donaldson  
June 27, 2012  
Page 3

Attachment 4 (Properties Exempt from Evaluation).

Caltrans has determined that there are historic properties within the APE that may be affected by the undertaking, in accordance with Stipulation IX.B of the PA. Consequently, Caltrans will apply the Criteria of Adverse Effect, and FHWA will continue consultation with the SHPO pursuant to Stipulation X of the PA.

Your concurrence on the Section 106 determinations will be used to determine the applicability of Section 4(f) pursuant to 23 CFR 774.11(e).

We look forward to receiving your response within thirty (30) days of your receipt of this submittal, in accordance with Stipulation VIII.C.5.a of the Section 106 PA. If you have any questions or comments regarding the proposed project, please feel free to contact me at (909) 383-6933 or by email at [gabrielle\\_duff@dot.ca.gov](mailto:gabrielle_duff@dot.ca.gov) or Andrew Walters, Associate Environmental Planner, Architectural History at (909) 383-2647 or by email at [andrew\\_walters@dot.ca.gov](mailto:andrew_walters@dot.ca.gov). Thank you for your assistance with this undertaking.

Sincerely,



GABRIELLE DUFF  
Office Chief  
Environmental Support/Cultural Studies

- c. Andrew Walters, Caltrans District 8; (CD)  
Todd Jaffke, Caltrans Section 106 Coordination Branch Chief  
Carol Legard, Advisory Council on Historic Preservation (ACHP)  
Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)  
Shawn Oliver, Federal Highway Administration (FHWA); (CD)  
Larry Vinzant, Federal Highway Administration (FHWA); (CD)  
Tay Dam, Federal Highway Administration (FHWA); (CD)  
Cathy Bechtel, Riverside County Transportation Commission (RCTC); (CD)  
Luther Salgado Sr., Cahuilla Band of Indians  
Yvonne Markle, Cahuilla Band of Indians  
Samuel Dunlap, Gabrieleno/Tongva Council/Gabrieleno Tongva  
Adrian Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians  
Anthony Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians  
Michael Contreras Jr., Morongo Band of Mission Indians  
Anna Hoover, Pechanga Band of Luiseño Mission Indians  
Mark Macarro, Pechanga Band of Luiseño Mission Indians  
Paul Macarro, Pechanga Band of Luiseño Mission Indians  
John Gomez, Jr., Ramona Band of Mission Indians  
Joseph Hamilton, Ramona Band of Mission Indians  
Joseph Ontiveros, Soboba Band of Luiseño Indians

Dr. Wayne Donaldson  
June 27, 2012  
Page 4

Enclosures

*Historic Property Survey Report (HPSR) for the Mid County Parkway Project, Riverside County, California, (June 2012).*



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

July 31, 2012

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

In Reply Refer To:  
HDA-CA

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Subject: Finding of Adverse Effect (FAE) for the proposed Mid County Parkway Project,  
Riverside County, California

Dear Mr. Donaldson:

The Federal Highway Administration (FHWA) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding our finding of effect for the above-referenced project. This consultation is undertaken in accordance with the January 1, 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (Section 106 PA). We are consulting with you under Section 106 PA Stipulation X.C.1, which requires consultation with the SHPO regarding findings of adverse effect.

The FHWA, Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles.

On June 27, 2012, pursuant to Stipulation VIII.C.5 of the Section 106 PA, Caltrans requested your concurrence that one of the properties that required evaluation was eligible for listing in the NRHP. Your concurrence is pending.

Enclosed for your review is the FAE (dated July 2012) for the proposed undertaking. The FAE applies the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) to one Historic Property determined eligible for listing on the National Register of Historic Places:

- 33-16598/CA-RIV-8712, Prehistoric multi-use site containing rock art, cupules, rock shelters, midden, and milling features.

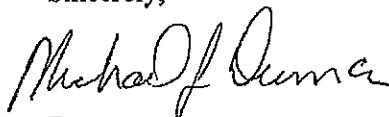
Pursuant to Stipulation X.A of the PA, FHWA has applied the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) and finds that the undertaking would have an adverse effect on historic properties.

As described in the enclosed finding of effect document, the proposed undertaking will result in an Adverse Effect to Site 36-16598.

FHWA is consulting with the SHPO pursuant to 36 CFR 800.5 (c) and Stipulation X.C.1. of the Section 106 PA and seeks concurrence on a Finding of Adverse Effect for the project.

If you have any questions, please contact Shawn Oliver, FHWA (916-390-1714; email: shawn.oliver@dot.gov), or Stephanie Stoermer, FHWA, (phone: 720-963-3218). Thank you for your assistance with this undertaking.

Sincerely,



For  
Vincent P. Mammano  
Division Administrator

**Enclosures:** *Finding of Adverse Effect for the Mid County Parkway Project (July 2012)*

cc.

Carol Legard, Advisory Council on Historic Preservation (ACHP) (CD)  
Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)  
Shawn Oliver, Federal Highway Administration (FHWA); (CD)  
Larry Vinzant, Federal Highway Administration (FHWA); (CD)  
Tay Dam, Federal Highway Administration (FHWA); (CD)  
Gabrielle Duff, Caltrans District 8, (CD)  
Andrew Walters, Caltrans District 8; (CD)  
Todd Jaffke, Caltrans Section 106 Coordination Branch Chief; hard copy (3)  
Cathy Bechtel, Riverside County Transportation Commission (RCTC); (CD)  
Luther Salgado Sr., Cahuilla Band of Indians (CD)  
Yvonne Markle, Cahuilla Band of Indians (CD)  
Samuel Dunlap, Gabrieleno/Tongva Council/Gabrieleno Tongva (CD)  
Adrian Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians (CD)  
Anthony Morales, Gabrieleno/Tongva-San Gabriel Band of Mission Indians (CD)  
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Anna Hoover, Pechanga Band of Luiseño Mission Indians (CD)  
Mark Macarro, Pechanga Band of Luiseño Mission Indians (CD)  
Paul Macarro, Pechanga Band of Luiseño Mission Indians (CD)

John Gomez, Jr., Ramona Band of Mission Indians (CD)  
Joseph Hamilton, Ramona Band of Mission Indians (CD)  
Joseph Ontiveros, Soboba Band of Luiseño Indians (CD)

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U.S. Department  
of Transportation  
Federal Highway  
Administration

California Division

July 31, 2012

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

In Reply Refer To:  
HDA-CA

Ms. Anna M. Hoover, Cultural Analyst  
Pechanga Band of Luiseno Mission Indians  
P.O. Box 2183  
Temecula, CA 92593

RE: Response to Pechanga Band of Luiseno Mission Indians Comment Letter on Draft Finding of Effects for the Mid County Parkway Project

Dear Ms. Hoover:

The Federal Highway Administration (FHWA) would like to thank the Pechanga Band of Luiseno Indians (Pechanga) for their April 23, 2012 letter and comments on the Mid County Parkway (MCP) Finding of Effect (FOE) distributed to the Pechanga on March 23, 2012.

FHWA notes that the Pechanga expressed similar concerns in their February 22, 2012 comment letter regarding the draft Historic Property Survey Report (HPSR). On June 14, 2012, FHWA provided clarification and detailed responses to the Pechanga's comments related to the HPSR. The Pechanga's comments, as well as the comments received from the other Tribes consulting on the project, have been carefully considered and have been incorporated into the revised draft documents to the extent possible.

This letter addresses several specific comments in the April 23, 2012 letter from Pechanga regarding the MCP FOE document.

**Specific Comments:**

1. *While the Tribe is not opposed to this Project as a whole, the Tribe is opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources, including those impacts proposed to Paavo' (P-33-016598) and the additional five cultural sites that that were determined to be not eligible for the NRHP (33-19862, -19863, -19864, -19865, -19866). (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, first paragraph).* FHWA respectfully acknowledges the Pechanga's concerns. As FHWA detailed in our response letter of June 14, 2012, avoidance and minimization efforts have occurred throughout the environmental analysis phase of the project in order to reduce the potential number of cultural resources likely affected by the construction of the MCP. We will continue to seek ways to avoid and minimize effects to Paavo' (P-33-016598) throughout the duration of the project.
2. *As stated above and in our previous comments, the Tribe does not agree with the ineligibility determination of the five sites. The Tribe knows that these individual activity areas are part of a larger complex of "sites" that, when viewed at a landscape level, form a larger habitation, or village, complex that stretches for several miles. (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, second paragraph)* FHWA respectfully acknowledges that the Pechanga are not in agreement with the eligibility determination for sites 33-19862, -19863, -19864, -19865, -19866. We appreciate the Pechanga's suggestions regarding the use of a landscape-level approach to evaluating these sites. Please note

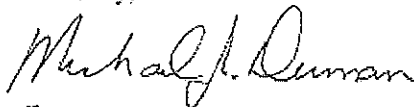
that since 33-19865 is a historic archeological site, consisting of the remains of a historic homestead and well, it seems unlikely that it should be included as part of a larger habitation or village.

3. *The Tribe requests to continue working with the FHWA, Caltrans and RCTC to avoid and preserve these sites during the construction of the MCP. (See TRIBAL CONCERNS REGARDING THE ELIGIBILITY AND EFFECTS EVALUATION Page 2, second paragraph). The FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties and we welcome the opportunity to work with the Pechanga and other tribes on avoidance and minimization measures.*
4. *5.1.1 36 CFR 800.5(a)(2)(i) - Physical Destruction of or Damage to All or Part of the Property. The Tribe concurs with the Caltrans' determination that destruction of the northeastern portion of Paavo' is an adverse effect. Based upon the information previously provided, the Tribe still maintains that it does not agree with the destruction of the site, regardless of the scientific evaluation that this is a "non-contributing element" to the village. Page 3). FHWA respectfully acknowledges the Pechanga's concerns and will continue to work with the Pechanga and other tribes on avoidance and minimization measures.*
5. *5.1.3 36 CFR 800.5(a)(2)(iii) - Removal of the Property from its Historic Location. The Tribe concurs that Paavo' will not be removed from its physical location such as a historic building might be removed, however the soils that are currently covering the intact deposits of the village will be removed. If these soils are removed to another location within the Project APE, then an adverse effect will occur per this criteria. At this time, the Tribe requests that none of the soils that are to be overexcavated within the village be removed from their original location to be utilized elsewhere in the Project. The Tribe will consult further with FHWA, Caltrans and RCTC regarding this issue and work towards developing appropriate mitigation measures to address our concerns. (Page 3) FHWA respectfully acknowledges the Pechanga's concerns regarding the potential for removal and re-deposition of soil from Paavo' and we will work with the MCP partner agencies, the Pechanga and the other tribes to insure that soils removed from Paavo' will not be utilized elsewhere.*
6. *5.1.4 36 CFR 800.5(a)(2)(iv) - Change of the Character of the Property's Use or of Physical Features Within the Property's Setting that Contribute to its Historic Significance. The Tribe argues that the MCP Project has already caused an adverse effect to the character of the village during the archaeological excavations of this area, ceremonial artifacts were uncovered and, due to the proposed future impacts, had to be relocated and reburied in a location that was not proposed for development. The Tribe believes that, had the Project not been proposed for this area, these resources would have been left to weather the natural course of events the ancestors had intended. Therefore, because ceremonial artifacts were impacted, the Tribe believes that the character of the village has been impacted and will likely continue to be impacted as additional development occurs for the MCP. ( Pages 3-4) FHWA respectfully acknowledges the Pechanga's concerns and we will work with the MCP partner agencies, the Pechanga and the other tribes to insure that measures are developed that will minimize additional impacts to Paavo'.*

7. *5.1.5 36 CFR 800.5(a)(2)M - Introduction of Visual, Atmospheric, or Audible Elements that Diminish the Integrity of the Property's Significant Historic Features. The Tribe does not agree with the conclusion that the visual and audible elements are not adverse effects. The argument for the criteria does not support the conclusion. (Page 4) FHWA respectfully acknowledges the Pechanga's concerns regarding the introduction of visual, atmospheric, or audible elements to Paavo'.*
8. *5.1.8 Reasonably Foreseeable Effects Caused by the Undertaking that may Occur Later in Time, be Farther Removed in Distance, or be Cumulative. The Tribe believes that cumulative impacts will occur as a result of the MCP Project. (Page 5). FHWA respectfully acknowledges the Pechanga's concerns related to cumulative effects from the MCP. Also, please refer to Response # 6 in FHWA's June 14, 2012 letter which describes the measures taken to address cumulative and indirect effects in the technical studies.*
9. *The Tribe requests to continue to be involved and participate with the FHWA, Caltrans and RCTC in developing the HPTP and the Memorandum of Agreement (MOA) that will be developed for this Project as well as appropriate mitigation measures to assist with avoidance, short-term Project mitigation and long-term preservation measures for Paavo'. (Page 5, last paragraph). As previously noted, the FHWA and other partner agencies on the MCP project encourage continued consultation among all interested parties and we welcome the opportunity to work with the Pechanga and other tribes on avoidance and minimization measures.*

FHWA would like to thank you for your commitment to the Native American consultation effort for this project. Please contact Shawn Oliver at 916-498-5048 or by email at [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov) or Stephanie Stoermer of our Resource Center at 720-986-2830 or by email at [stephanie.stoermer@dot.gov](mailto:stephanie.stoermer@dot.gov) if there are questions or additional comments.

Sincerely,



For  
Vincent P. Mammano  
Division Administrator

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## **MEETING SUMMARY**

### **MCP Meeting with the Soboba Band of Luiseño Indians**

**Thursday, August 16, 2012  
10:30 am – 11:30 am PST**

**Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
Riverside, CA**

#### **ATTENDEES:**

Joe Ontiveros, Soboba Band of Luiseño Indians  
Stephanie Stoermer, FHWA (via telephone)  
Gabrielle Duff, Caltrans  
Gary Jones, Caltrans  
Karen Reichardt, Caltrans  
Cathy Bechtel, RCTC  
Merideth Cann, Jacobs Engineering  
Phil Fulton, LSA Associates  
Terri Fulton, LSA Associates  
Megan Ryan, LSA Associates (via telephone)

#### **I. INTRODUCTIONS**

#### **II. PROJECT OVERVIEW AND STATUS**

Cathy Bechtel (RCTC) provided a general overview of the original project and the current modified project. Merideth Cann (Jacobs) followed with a map overview of the changes between the original and modified project design, and the milestones completed so far.

#### **III. DISCUSSION**

Joe Ontiveros (Soboba Band of Luiseño Indians) opened the discussion by stating Soboba does have the majority of the past MCP documents and they have been reviewing the reports as they receive current notices regarding the MCP project; however he has a lot of questions about the project, mainly the project status at this time. The following is a summary of the questions asked by Joe Ontiveros with the answers provided by the agencies and project team:

**Soboba:** Of the three alternatives shown in Perris, which is favored?

**RCTC:** The City of Perris has identified Alternative 9 Modified as their locally preferred alternative. RCTC has not identified a preferred alternative and will not do so for the Recirculated Draft EIR/Supplemental Draft EIS; however a preferred alternative will be identified for the Final EIR/EIS.

**Soboba:** What is the preferred alternative based on?

**RCTC:** Impacts from the project throughout the City, like visual impacts, noise and air. Alternative 4 Modified has a 2-mile bridge over the Perris Drain, which is expensive and has visual impacts, and Alternative 5 Modified goes through a future development area. The City prefers Alternative 9 Modified because it is the straighter, shorter and more direct alternative.

**Soboba:** Does Alternative 9 Modified avoid downtown Perris?

**RCTC/Jacobs:** Yes, downtown is further south.

**Soboba:** No historic sites or buildings are impacted in the City of Perris?

**LSA:** No, there are no impacts to historic resources from any of the alternatives in the Perris area, and all impacts to archaeological sites are on the common alignment of all three alternatives.

**Soboba:** We deal with Perris a lot and we are always concerned about the Perris Indian School, but that's further south then, so MCP won't affect it.

**RCTC/LSA/Caltrans:** Correct.

**Soboba:** What amendments to the draft environmental documents were made as a result of cultural resources? The alignment hasn't changed on the east; is there still room for comment?

**RCTC:** Absolutely.

**Soboba:** We have lots of concerns about that area. Did the comments that were made affect the project?

**Caltrans:** Yes. There was a change of no effect to an adverse effect in the Finding of Effect (FOE) document. Also, a lot of cultural resources dropped out with the change to the shorter alignment for the project.

**Jacobs:** The western portion of the alignment that is no longer being considered had a lot of sites and there were a lot of concerns about impacts. Once that was dropped the footprint was reduced by half and those sites all dropped out.

**Soboba:** The big village site (33-16958) in the eastern end of the project that is still being impacted -- that is a site that we have been pushing to preserve for a long time. MCP is not the only project that would be impacted the site. Southern California Edison (SCE) is putting a transmission line right through the village. There is also a big housing development proposed. Does San Jacinto have a preferred alternative?

**RCTC:** The City of San Jacinto has identified the southern design variation (San Jacinto South) that is common to all three build alternatives as their preferred alignment. We are working in coordination with the City.

**Soboba:** Has the City purchased any land?

**RCTC:** I'm not sure. I know RCTC owns the southwest corner of the intersection. It used to be a gas station.

**Soboba:** Are the mitigation measures unanimous for all the sites or specific for the large site (33-16598)?

**Caltrans:** The only eligible site where there will be an effect is the large site. Once the FOE is concurrent upon by the SHPO, the Memorandum of Agreement (MOA) will be produced. The MOA contains the mitigation measures and tribes will be consulted in developing it.

**RCTC:** What is the timeframe for the MOA?

**Caltrans:** It occurs between the draft and final environmental documents. It is a small document with attachments and tells what we are going to implement. The MOA has to be executed before the final environmental document.

**RCTC:** We are hoping for comments on the environmental document this fall so that means we would be responding early next year to comments.

**Soboba:** Assuming there will be a treatment plan for cultural resources Soboba would like to request that when the MOA is circulated and sent to the tribes, there is a call for mitigation measures from us to address impacts to the site. It's very difficult for tribes to review the MOA when we don't know what the mitigation measures are and what we are agreeing to. We'd like a draft or rough sample of the standards for dealing with the presence of historic properties to review at the same time. It makes it easier for us to agree to the MOA when we know what's coming.

**Caltrans:** We envision getting lots of feedback from the tribes, having lots of back and forth and a number of meetings to discuss the mitigation measures.

**Soboba:** Different tribes have different views but we do work together. We work closely with the Morongo (Band of Mission Indians). They don't have a lot of resources and we give them updates and monitor on their behalf sometimes. For the Villages of Lakeview project, we have a five party agreement that includes us, Pechanga (Band of Luiseño Indians), Ramona (Band of Cahuilla Indians), and San Manuel (Band of Serrano Mission Indians), and the developer on how to treat that site. So we can work together. We made the agreement at the recommendation of the County (Riverside) so an agreement between tribes is possible. We'd like to look at the same kind of process with the MOA and the treatment plan as well.

**Caltrans to FHWA:** Do you have any thoughts on the MOA?

**FHWA:** I think it's going to take a great deal of consultation and tribal involvement up front. We need to engage the tribes early. Do we have any feedback from San Manuel?

**LSA:** No not yet. They were contacted for the project initially, but haven't been involved again up to now.

**Soboba:** They have a small department and may not have the resources but they may want to be brought in to consult on this project. They have concerns about the village site. I'm glad to hear FHWA refer to early consultation because ninety-nine percent of the time that's the problem. Tribes feel they don't have enough time. It's important to win the trust of tribes. That location (33-16598) is very close to everybody, that's why there is a lot of interest. It is one of the most powerful places that still has most of its integrity in the valley. We have ceremonies and stories associated with it, and it seems it is always under attack. We are constantly battling to preserve it. If you could get the documents (MOA, treatment plan) out together that would be the best thing. I know how Section 106 works but we can't sign an MOA without knowing what's to come, that's just taking too big a leap.

**FHWA:** I know how important that site is to you and how many groups and individuals have ties to it. It would be counter-intuitive to send documents out to tribes without some degree of tribal involvement; we would just be guessing what you want. The documents we have sent show a long history of trying to weave through that area while doing the least amount of harm using thoughtful engineering. Those documents show what measures have been taken. No one can expect you to agree if you don't have the necessary information.

**RCTC:** I hope the tribe recognizes that RCTC and Caltrans have tried to honor the importance of consultation and keeping the tribes involved, and we will continue to give you lots of information and the documents you need to consult. The goal continues to be ongoing and open consultation.

**Soboba:** There has been an improvement. I was asked if we wanted FHWA to be present at this meeting today. I'm fine with meeting with just Caltrans in the future, but if things aren't up to par I will call on FHWA to oversee the consultation; just so it is understood that it is still their responsibility.

**FHWA:** I appreciate the opportunity to join in the consultation, even virtually, so I can hear firsthand what your concerns are and can relay them to the folks in Sacramento. This is a good start and we will always keep the lines of communication open, but Caltrans is probably your best local resource because they are close to home. You can direct questions to Caltrans first, but FHWA is there and aware of our responsibilities.

**Soboba:** That's great because we will call.

**FHWA:** And sometimes it's best to address with a call and ask verbally instead of in a letter.

**Soboba:** So we will look out for the draft MOA. Can we get future documents in a Word format instead of pdf? It's easier for us to comment.

**RCTC:** To be honest, we send pdfs because they can't be altered and we fear that people may try and change things and then say that is the document they got. I can't promise anything but I will note your request. Maybe we can narrow it down to certain relevant sections.

**Soboba:** We'll see after we get the first copy and I'll let you know. I also want to say that everything discussed here today is confidential between the parties present.

**RCTC:** Is there a way we can get a copy of the agreement you spoke about between tribes so we can use it for reference? Is it a public document?

**Soboba:** No, but a signed copy was provided to the County and they should have it on file.

**RCTC:** I wonder if they can share it?

**Caltrans:** Maybe, with permission. Does Soboba have a similar agreement with SCE?

**Soboba:** No because it was federal, so we could not have the same kind of agreement that we could with the county.

**RCTC:** Well it would be helpful for us to see so we can draft our own type of agreement when the time comes. Does anyone have anything else to add?

**ALL:** No.

#### **IV. ACTION ITEMS**

- A) Continued consultation with Caltrans, and FHWA if necessary.
- B) Send the draft MOA and rough mitigation measures at the same time so tribes have the necessary information to comment and participate in devising the mitigation measures that will be included in the treatment plan.

#### **V. CONCLUSION**

The meeting concluded at 11:30 a.m.

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942886  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov

SEP 24 2012



September 18, 2012

Reply to: FHWA080215T

Vincent F. Mammano  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

RE: Mid-County Parkway (MCP); Riverside County, California

Dear Mr. Mammano:

Thank you for requesting my comments pursuant to the 1 January 2004 *Programmatic Agreement Among The Federal Highway Administration, The Advisory Council On Historic Preservation, The California State Historic Preservation Officer, And The California Department Of Transportation Regarding Compliance With Section 106 Of The National Historic Preservation Act, As It Pertains To The Administration Of The Federal-Aid Highway Program In California* (Federal-Aid Highway PA): You have requested my concurrence in your findings of eligibility and effects the proposed undertaking would have on historic properties. My staff has reviewed the documentation you provided and I would like to offer the following comments.

The undertaking as currently proposed is a route of travel that would extend approximately 16 miles from Interstate 215 to State Route 79 in the vicinity of the Ramona Expressway. The efforts to identify historic properties, during consideration of project alternatives, were larger than the area of potential effect as defined for the current undertaking. The area of potential effect for the current undertaking has been surveyed for historic properties. I do not object to those efforts made to date.

You have assumed that cultural resource 33-3653 is eligible for the National Register of Historic Places. While you did not identify which criteria were being met, I believe the site could meet criteria A, C, and D. You propose to avoid adverse effects to this property through establishment of ESA. I do not object to either of these findings.

Based on a previous request, I concurred that the CBJ Dairy, 33-15752, was not eligible for the National Register. That determination remains unchanged as a result of the current efforts.

I concur that 33-16865, remnants of a historic homestead, does not meet the criteria to be eligible for the National Register for the reasons stated.

I concur that 33-16598/CA-RIV-8712 does meet National Register of Historic Places criteria.

~~You have requested my concurrence that archaeological sites 33-19862, 33-19863, 33-19864 and 33-19866, that will be directly impacted should the undertaking be implemented are not eligible for the National Register given their limited data potential. I agree these cultural resources do~~

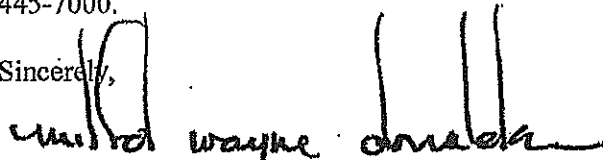
have limited data potential and have limited archaeological values beyond the data already recorded; however, I did note the Tribes have expressed the point that these resources are contributors to a cultural landscape. While these resources individually may not be eligible, they may contribute to an as yet to be defined historic district located within the cultural landscape identified by the Tribes.

As previously noted, when evaluating project alternatives, a considerable amount of data was gathered. I am requesting an evaluation of this data to determine if there is sufficient information to determine if a Native American cultural/historic properties district may exist and if so, would the resources in question, contribute to its significance. I request the applicant analyze existing data including all cultural resources information used in selecting the project alternative and the information provided by the Tribes to determine if a National Register eligible district may exist and if the cultural resources in question contribute to the district's significance.

Another option to resolving the eligibility question regarding these properties is to assume eligibility and explore means for taking the effects of the undertaking into account. Since the cultural resources that would be directly impacted by the undertaking have limited data potential, I am not proposing for consideration data recovery through archaeological excavation. I do request Federal Highway Administration through Caltrans to the applicant consider options such as expanding the record search previously conducted and continued consultation with the Tribes to determine if such a historic district does exist and if there is additional needs and means for taking effects into account.

Once again thank you for requesting my comments. I very much appreciate the efforts made to date to identify historic properties and evaluate effects. Should you have any questions or if my staff can be of any further assistance, please contact Dwight Dutschke or Susan Stratton at 916-445-7000.

Sincerely,

A handwritten signature in dark ink, appearing to read "Milford Wayne Donaldson". The signature is written in a cursive, somewhat stylized script. The first part of the signature is partially obscured by the word "Sincerely,".

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

Cc Advisory Council on Historic Preservation  
California Department of Transportation

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-7505

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TTY (909) 383-6300

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November 27, 2012

Mr. Paul Macarro  
Cultural Resources Center  
Pechanga Band of Mission Indians  
P.O. Box 1477  
Temecula, CA 92593

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Macarro:

The Federal Highway Administration (FHWA) and the Riverside County Transportation Commission (RCTC), in cooperation with the California Department of Transportation (Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris, propose to construct the Mid County Parkway (MCP), a new highway project in western Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. In order to identify historic properties within the area of potential effects (APE) as required by 36 Code of Federal Regulations (CFR) 800, the regulations implementing the National Historic Preservation Act (NHPA) and similar requirements under the California Environmental Quality Act (CEQA), the entire APE has been inventoried for cultural resources.

On behalf of the FHWA, this letter is to inform you of the revised FOE. The draft FOE, which was sent to you for review on March 22, 2012, discussed a finding of an Adverse Effect for the MCP project for Site 33-16598. The revised FOE discusses a finding of Adverse Effect for Site 33-16598, and also for four additional bedrock milling station sites that are within the MCP area of direct impacts: Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In 2008, a report presenting preliminary Determinations of Eligibility (DOE) and FOE was prepared. The DOE in the 2008 DOE/FOE (Historic Property Survey Report [HPSR], Volume III, Attachment H) was that milling station Sites 33-19862, 33-19863, 33-19864, and 33-19866 are ineligible for the National Register of Historic Places (National Register); therefore, these sites were not addressed in the FOE that was sent to you for review on March 22, 2012. Following review by the Tribes, the HPSR and FOE were submitted to the State Historic Preservation Officer (SHPO) for review and concurrence on July 31, 2012.

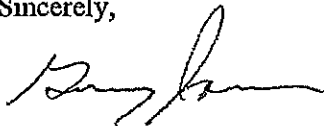
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In summary, the FHWA has determined that the undertaking will have an adverse effect on Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866 within the MCP APE pursuant to Section 106 Programmatic Agreement Stipulation X.C. With the cooperation and assistance of Caltrans, the FHWA is consulting with the SHPO regarding the resolution of adverse effects, pursuant to Section 106 Programmatic Agreement Stipulation XI, 36 CFR 800.6(a), and 800.6(b)(1).

Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about the revised FOE at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Government-to-government consultation questions and concerns should be directed to Stephanie Stoermer at the FHWA at (720) 963-3218 or [stephanie.stoermer@fhwa.dot.gov](mailto:stephanie.stoermer@fhwa.dot.gov), or to Gary Jones at Caltrans at (909) 383-4045 or [gary\\_jones@dot.ca.gov](mailto:gary_jones@dot.ca.gov).

Thank you for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



Gary Jones  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)  
Stephanie Stoermer, FHWA (w/attachments)

**DEPARTMENT OF TRANSPORTATION  
DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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TTY (909) 383-6300

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November 27, 2012

Mr. Joseph Hamilton, Council Member  
Ramona Band of Cahuilla Mission Indians  
P.O. Box 391670  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Hamilton:

The Federal Highway Administration (FHWA) and the Riverside County Transportation Commission (RCTC), in cooperation with the California Department of Transportation (Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris, propose to construct the Mid County Parkway (MCP), a new highway project in western Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. In order to identify historic properties within the area of potential effects (APE) as required by 36 Code of Federal Regulations (CFR) 800, the regulations implementing the National Historic Preservation Act (NHPA) and similar requirements under the California Environmental Quality Act (CEQA), the entire APE has been inventoried for cultural resources.

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In his September 18, 2012, letter (copy attached), the SHPO concurred that these four cultural resources have limited data potential and archaeological values beyond the data already

Joseph Hamilton  
November 27, 2012  
Page 2

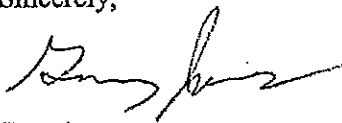
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District Native American Coordinator  
Environmental Support/Cultural Studies

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November 27, 2012

Mr. John Gomez, Jr.  
Cultural Resources Coordinator  
Ramona Band of Cahuilla Mission Indians  
P.O. Box 391670  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Gomez:

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John Gomez Jr.  
November 27, 2012  
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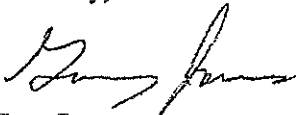
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District Native American Coordinator  
Environmental Support/Cultural Studies

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November 27, 2012

Mr. Michael Contreras  
Cultural Heritage Program Coordinator  
Morongo Band of Mission Indians  
12700 Pumarra Road  
Banning, CA 92220

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

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Michael Contreras  
November 27, 2012  
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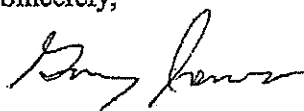
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November 27, 2012

Mr. Joseph Ontiveros  
Cultural Resources Director  
Soboba Band of Luiseño Indians  
P.O. Box 487  
San Jacinto, CA 92581

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

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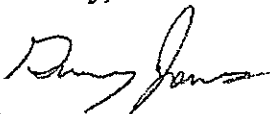
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November 27, 2012

Mr. Sam Dunlap, Secretary  
Gabrielino/Tongva Council/Gabrielino/Tongva  
Nation  
P.O. Box 86908  
Los Angeles, CA 90086

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

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Sam Dunlap  
November 27, 2012  
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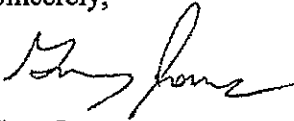
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District Native American Coordinator  
Environmental Support/Cultural Studies

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cc: Cathy Bechtel, RCTC (w/attachments)  
Stephanie Stoermer, FHWA (w/attachments)

**DEPARTMENT OF TRANSPORTATION****DISTRICT 8****ENVIRONMENTAL PLANNING (MS 825)**464 W. FOURTH STREET, 6<sup>TH</sup> FLOOR

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November 27, 2012

Anthony Morales, Chairperson  
Gabrieleno/Tongva San Gabriel Band of  
Mission Indians  
P.O. Box 693  
San Gabriel, CA 91778

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Morales:

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Anthony Morales  
November 27, 2012  
Page 2

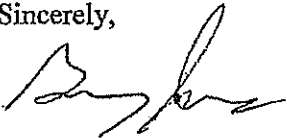
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November 27, 2012

Adrian Morales  
Cultural Resource Management  
Gabrieleno/Tongva San Gabriel Band of  
Mission Indians  
P.O. Box 693  
San Gabriel, CA 91778

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Morales:

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Adrian Morales  
November 27, 2012  
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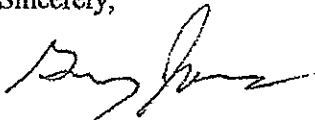
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Environmental Support/Cultural Studies

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November 27, 2012

Mr. Luther Salgado Sr., Chairperson  
Cahuilla Band of Indians  
P.O. Box 391760  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Mr. Salgado:

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Luther Salgado Sr.  
November 27, 2012  
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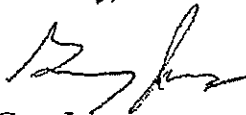
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November 27, 2012

Ms. Yvonne Markel, Environmental Protection  
Officer  
Cahuilla Band of Indians  
P.O. Box 391760  
Anza, CA 92539

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

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Yvonne Markel  
November 27, 2012  
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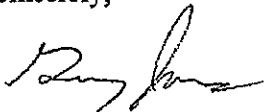
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November 27, 2012

Mr. Mark Macarro, Chairman  
Pechanga Band of Mission Indians  
P.O. Box 1477  
Temecula, CA 92593

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
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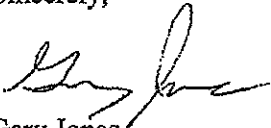
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TTY (909) 383-6300

*Flex your power!  
Be energy efficient!*

November 27, 2012

Ms. Anna Hoover  
Pechanga Cultural Resources Department  
Pechanga Band of Mission Indians  
P.O. Box 2183  
Temecula, CA 92593

08-Riv-MCP-PM 0.0/31.7  
Mid County Parkway Project  
EA 0F320

Subject: Revised Findings of Effect (FOE) for the Mid County Parkway Project,  
08-Riv-MCP-PM 0.0/31.7, EA 0F320 (LSA Project No. JCV531)

Dear Ms. Hoover:

The Federal Highway Administration (FHWA) and the Riverside County Transportation Commission (RCTC), in cooperation with the California Department of Transportation (Caltrans) District 8, the County of Riverside, the City of San Jacinto, and the City of Perris, propose to construct the Mid County Parkway (MCP), a new highway project in western Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. In order to identify historic properties within the area of potential effects (APE) as required by 36 Code of Federal Regulations (CFR) 800, the regulations implementing the National Historic Preservation Act (NHPA) and similar requirements under the California Environmental Quality Act (CEQA), the entire APE has been inventoried for cultural resources.

On behalf of the FHWA, this letter is to inform you of the revised FOE. The draft FOE, which was sent to you for review on March 22, 2012, discussed a finding of an Adverse Effect for the MCP project for Site 33-16598. The revised FOE discusses a finding of Adverse Effect for Site 33-16598, and also for four additional bedrock milling station sites that are within the MCP area of direct impacts: Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In 2008, a report presenting preliminary Determinations of Eligibility (DOE) and FOE was prepared. The DOE in the 2008 DOE/FOE (Historic Property Survey Report [HPSR], Volume III, Attachment H) was that milling station Sites 33-19862, 33-19863, 33-19864, and 33-19866 are ineligible for the National Register of Historic Places (National Register); therefore, these sites were not addressed in the FOE that was sent to you for review on March 22, 2012. Following review by the Tribes, the HPSR and FOE were submitted to the State Historic Preservation Officer (SHPO) for review and concurrence on July 31, 2012.

Anna Hoover  
November 27, 2012  
Page 2

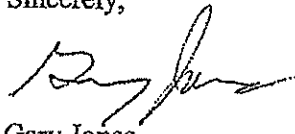
In his September 18, 2012, letter (copy attached), the SHPO concurred that these four cultural resources have limited data potential and archaeological values beyond the data already recorded, but noted that, based on comments from the Tribes, these resources individually may not be eligible for the National Register, but may contribute to an as-yet-to-be-defined historic district located within the cultural landscape identified by the Tribes. The SHPO, in his September 18 letter, suggested as an option that these four sites be assumed eligible for the undertaking and to explore means for taking the effects of the undertaking into account. For the purposes of the current undertaking for the MCP project, these four sites are assumed eligible. As these sites are all within the area of direct impacts of the MCP project, the FOE is an adverse effect for Sites 33-19862, 33-19863, 33-19864, and 33-19866.

In summary, the FHWA has determined that the undertaking will have an adverse effect on Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866 within the MCP APE pursuant to Section 106 Programmatic Agreement Stipulation X.C. With the cooperation and assistance of Caltrans, the FHWA is consulting with the SHPO regarding the resolution of adverse effects, pursuant to Section 106 Programmatic Agreement Stipulation XI, 36 CFR 800.6(a), and 800.6(b)(1).

Please call Terri Fulton or Phil Fulton at LSA Associates, Inc. (LSA) with any questions about the revised FOE at (949) 553-0666, or you may send an email to [terri.fulton@lsa-assoc.com](mailto:terri.fulton@lsa-assoc.com) or [phil.fulton@lsa-assoc.com](mailto:phil.fulton@lsa-assoc.com). Government-to-government consultation questions and concerns should be directed to Stephanie Stoermer at the FHWA at (720) 963-3218 or [stephanie.stoermer@fhwa.dot.gov](mailto:stephanie.stoermer@fhwa.dot.gov), or to Gary Jones at Caltrans at (909) 383-4045 or [gary\\_jones@dot.ca.gov](mailto:gary_jones@dot.ca.gov).

Thank you for participating in this process. We look forward to continuing to work with you on this project.

Sincerely,



Gary Jones  
Associate Environmental Planner, Archaeologist  
District Native American Coordinator  
Environmental Support/Cultural Studies

Enclosures: CD containing the Draft FOE and all attachments SHPO Letter, September 18, 2012

cc: Cathy Bechtel, RCTC (w/attachments)  
Stephanie Stoermer, FHWA (w/attachments)



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

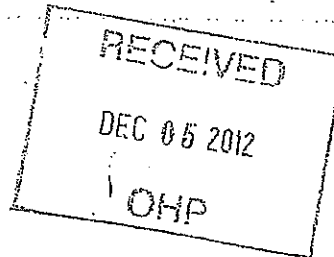
California Division

November 30, 2012

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5001  
(916) 498-5008

In Reply Refer To:  
HDA-CA

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Post Office Box 942896  
Sacramento, California 94296-0001



Dear Ms. Roland-Nawi:

Thank you for providing your comments to the Finding of Effect document for the Mid County Parkway Project of the Federal Highway Administration (FHWA), Caltrans District 8, and the Riverside County Transportation Commission (RCTC). Enclosed is a revised Finding of Effect for your information and use.

This consultation is undertaken in accordance with the January 1, 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (Section 106 PA). We are consulting with you under Section 106 PA Stipulation X.C.1, which requires consultation with the State Historic Preservation Officer regarding findings of adverse effect.

We appreciate your concurrence on the assumed eligibility for Site 33-3653 for the undertaking for which adverse effects will be avoided through establishment of an Environmental Sensitive Area (ESA). We also appreciate your concurrence that the CBJ Dairy (33-15752) and an historic homestead (33-16865) are not eligible for the National Register of Historic Places (National Register) for the reasons stated. In addition, FHWA has determined that the multi-use site CA RIV 8712 (33 16598) is eligible for listing on the National Register and the undertaking would result in an adverse effect to this resource.

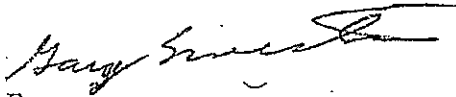
Based on your review and comments, as well as comments received from the Pechanga Band of Luisefio Indians, the Finding of Effect determinations for the Mid County Parkway have been modified to recommend that bedrock milling sites 33-19862, 33-19863, 33-19864, and 33-19866 are assumed eligible for the National Register for the undertaking. Since these four sites will be directly affected by the proposed project, we are assuming they are eligible for the National Register and are seeking your concurrence that the impacts of the project to these resources will be adverse. Pursuant to Stipulation X.A of the PA, FHWA has applied the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) and finds that the undertaking would have an adverse effect on historic properties. It is anticipated that the adverse effects will be resolved through the development of a Memorandum of Agreement that will include completion of a cultural landscape

study of these types of resources in the overall project vicinity or other measures agreed to through consultation.

If you concur with the adequacy of the revised Finding of Effect, please sign the signature block below to indicate your concurrence.

Thank you for completing your initial review, and providing direction for the revisions presented in the attached, revised Finding of Effect. Should you have any questions or if my staff can be of any further assistance, please contact Shawn Oliver at (916) 498-5048, email [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov) or Stephanie Stoermer at (720) 963-3218, email [stephanie.stoermer@dot.gov](mailto:stephanie.stoermer@dot.gov).

Sincerely,



For  
Vincent P. Mammano  
Division Administrator

The revised Finding of Effect for the Mid County Parkway Project is approved by the State Historic Preservation Officer.



Carol Roland-Nawi

Date

Enclosure



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

April 24, 2014

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

Ms. Carol Legard  
FHWA Liaison  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 803  
Washington, DC 20004

Dear Ms. Legard:

Subject: Notification of Finding of Adverse Effect for the Mid County Parkway Project,  
Riverside County, California

In accordance with Section 800.6(a)(1) of the Advisory Council on Historic Preservation's (ACHP) regulations, "Protection of Historic Properties" (36 CFR Part 800), the Federal Highway Administration (FHWA) is notifying you that we have made an adverse effect finding for the above referenced undertaking.

The proposed undertaking will use federal funding and is therefore subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. This consultation is undertaken in accordance with the January 1, 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (Section 106 PA).

As described in the attached documentation, The Federal Highway Administration (FHWA), Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles.

In consultation with the California State Historic Preservation Officer (SHPO), Caltrans identified seven historic properties within the Area of Potential Effects (APE) for the undertaking. One of these is a built-environment property and remaining six are prehistoric archaeological sites. In applying the Criteria of Adverse Effect set forth in 36 CFR 800.5(a)(1), Caltrans found that five of the prehistoric archaeological sites (33-16598, 33-19862, 33-19863, 33-19864, and 33-19866) would be adversely affected by the proposed project. Effects to the remaining properties would not be adverse.

The California SHPO concurred with our findings on the eligibility of properties on the attached revised Finding of Adverse Effect (FOE) on 8 January 2013.

FHWA and Caltrans are continuing consultation with the California SHPO and Native American community including the Pechanga Band of Luiseno Indians, the Soboba Band of Luiseno Indians, the Ramona Band of Cahuilla Indians, the Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians, to resolve the adverse effects.

Should you have any questions, or if my staff can be of any further assistance, please contact Shawn Oliver at (916) 498-5048, or Stephanie Stoermer at (720) 963-3218.

Enclosure: *Finding of Adverse Effect for the Mid County Parkway Project, Riverside County, California.*

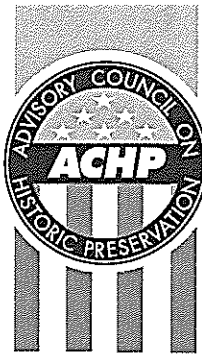
Sincerely,

A handwritten signature in black ink that reads "Shawn Oliver". The signature is fluid and cursive, with the first name "Shawn" and last name "Oliver" clearly distinguishable.

For

Vincent P. Mammano  
Division Administrator

cc: Larry Vinzant, FHWA  
Shawn Oliver, FHWA  
Stephanie Stoermer, FHWA  
Anmarie Medin, Caltrans, CSO  
Gary Jones, Caltrans, District 8  
Gustavo Quintero, RCTC



Preserving America's Heritage

May 20, 2014

Mr. Victor P. Mammano  
Division Administrator  
California Division  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

Ref: *Notification of Adverse Effect for the Mid County Parkway Project  
Riverside County, California*

Dear Mr. Mammano:

On April 25, 2014, the Advisory Council on Historic Preservation (ACHP) received your notification of adverse effect for the referenced undertaking that was submitted in accordance with Section 800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). The background documentation included with your submission did not include any information related to the coordination or consultation with the State Historic Preservation Officer (SHPO) and/or other consulting parties after completion of the November 2012 Finding of Effect Report. This, unfortunately, does not meet the specifications in Section 800.11(e) of the ACHP's regulations. We, therefore, are unable to determine whether Appendix A of the regulations, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, applies to this undertaking. Accordingly, we request that you submit the following additional information so that we can determine whether our participation in the consultation to resolve adverse effects is warranted.

- Summaries of any views provided by consulting parties, the public, and the California SHPO since November 2012.
- An evaluation of measures considered, but rejected, to avoid or minimize the undertaking's adverse effects; and

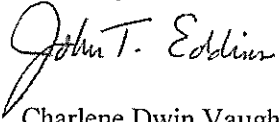
Specifically, we request information on steps FHWA has taken to consult with Indian tribes during development of the Memorandum of Agreement (MOA), the current views of these tribes, and how FHWA has addressed any concerns or objections raised. Please also inform us of which Indian tribes have agreed to become concurring parties to the MOA. Upon receipt of this additional information, we will notify you within 15 days of our decision.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

If you have any questions, please contact Carol Legard at 202-606-8522 or via e-mail at [clegard@achp.gov](mailto:clegard@achp.gov).

Sincerely,

A handwritten signature in cursive script that reads "John T. Edlin".

for

Charlene Dwin Vaughn, AICP  
Assistant Director  
Federal Permitting, Licensing, and Assistance Section  
Office of Federal Agency Programs



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

May 29, 2014

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
916 498-5008 (FAX)

Ms. Carol Legard  
FHWA Liaison  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 803  
Washington, D.C. 20004

**Subject:** Response to Comments for the Notification of Adverse Effect for the Mid County Parkway Project, Riverside County, California

Dear Ms. Legard:

We are in receipt of your comments dated May 20, 2014, regarding our April 24, 2014, submission of the Notification of Finding of Adverse Effect for the Mid County Parkway (MCP) project (project) in Riverside County, California. The Federal Highway Administration (FHWA) notified you of the Finding of Adverse Effect for the undertaking referenced above in accordance with Section 800.6(a)(1) of the Advisory Council on Historic Preservation's (ACHP) regulations, "Protection of Historic Properties (36 CFR Part 800).

As described in our April 24, 2014, submittal, the FHWA, the Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the "Mid County Parkway," is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles.

The FHWA has determined that the project will have an adverse effect on archaeological Site 33-16598, which has been determined eligible for inclusion in the National Register of Historic Places (National Register), and on archaeological Sites 33-19862, 33-19863, 33-19864, and 33-19866, which are assumed eligible for the National Register for the purposes of the MCP project.


The ACHP has requested additional information regarding the consultation with Indian Tribes during development of the MOA that shows the "current views of these Tribes, and how FHWA has addressed any concerns or objections raised." The ACHP would also like to be informed of which Indian Tribes have agreed to become concurring parties to the Memorandum of Agreement (MOA).

In the process of developing the attached MOA, the FHWA has consulted with the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Indians, the Gabrielino/Tongva San Gabriel Band of Mission Indians, the Gabrielino Tongva Nation, the Morongo Band of Mission Indians, the Pechanga Band of Luiseño Indians, the Ramona Band of Cahuilla Indians, the San Manuel Band of Mission Indians, and the Soboba Band of Luiseño Indians. All of these Indian Tribes are listed as concurring parties to the MOA and are expected to become concurring parties to the MOA.

Consultation by the FHWA with the above Tribal concurring parties consisted of numerous meetings and/or field visits as described in the Discovery and Monitoring Plan, which is provided as Attachment D of the MOA. A timeline of the consultation is attached to this letter for your reference.

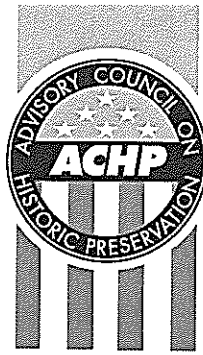
Because the MOA was distributed to all of the Native American concurring parties, specific details of the government-to-government consultations, which are confidential between the Tribes and the FHWA, are not described in the MOA. Comments submitted by the Tribes were documented and addressed in Tribal Comments and Responses matrices. The Tribal Comments and Responses matrices were kept confidential and not distributed to all of the Tribes, but were included with the MOA for each Tribe that commented in order to show how their comments had been addressed. The Tribal Comments and Responses matrices are attached to this letter for your reference.

The FHWA hopes that this additional information clarifies the Native American consultation process for the MCP project and that it is helpful in determining that participation by the ACHP is not required for this undertaking in order to resolve adverse effects. We understand that the ACHP will notify FHWA within 15 days of receiving this response and look forward to your decision. Should you have any questions or if my staff can be of any further assistance, please contact Shawn Oliver by phone at (916) 498-5048, or by email at shawn.oliver@dot.gov.

Sincerely,  
  
 For Vincent P. Mammano  
 Division Administrator

Enclosures: 1. Timeline of Native American Consultation during Development of the MOA  
 2. MCP MOA Tribal Comments and Responses: Morongo Band of Mission Indians, Pechanga Band of Luiseño Mission Indians, Ramona Band of Cahuilla Indians, San Manuel Band of Mission Indians, and Soboba Band of Luiseño Indians

cc: Larry Vinzant, FHWA  
 Shawn Oliver, FHWA  
 Stephanie Stoermer, FHWA  
 Anmarie Medin, Caltrans, Cultural Studies Office  
 Gary Jones, Caltrans, District 8  
 Gustavo Quintero, RCTC  
 Alex Menor, RCTC



Preserving America's Heritage

July 18, 2014

Mr. Vincent P. Mammano  
Division Administrator  
Federal Highway Administration  
California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

Ref: *Proposed Mid County Parkway Project*  
*Riverside County, California*

Dear Mr. Mammano:

The Advisory Council on Historic Preservation (ACHP) has received the additional documentation transmitted in response to our letter of May 20, 2014, regarding the referenced undertaking. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the California State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect and the additional information we requested. If you have any questions or require further assistance, please contact Ms. Carol Legard at 202-517-0218, or via e-mail at [clegard@achp.gov](mailto:clegard@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

April 29, 2014

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
916 498-5008 (FAX)

In Reply Refer To:

~~Dr. Carol Roland-Nawi~~

~~HDA-CA~~

State Historic Preservation Officer  
Post Office Box 94896  
Sacramento, California 94296-0001

Subject: Memorandum of Agreement Between the Federal Highway Administration and the  
California State Historic Preservation Officer Regarding the Mid County Parkway  
Project, Riverside County, California, April 2014

Dear Dr. Roland-Nawi:

Enclosed for your review is the proposed Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the California State Historic Preservation Officer (SHPO) Regarding the Mid County Parkway (MCP) Project, Riverside County, California, dated April 2014.

The FHWA, Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles.

The FHWA has determined that the MCP Project, will have an adverse effect on archaeological Site 33-16598, which has been determined to be eligible for inclusion in the National Register of Historic Places (National Register), and on archaeological Sites 33-19862, 33-19863, 33-19864, and 33-19866, which are assumed eligible for the National Register for the purposes of the MCP project.

The FHWA has consulted with the SHPO pursuant to 36 CFR Part 800, and notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding (Findings of Effect) on December 5, 2012, and on April 24, 2014, pursuant to 36 CFR Part 800.6(a)(1). The adverse Findings of Effect has resulted in the development of the attached MOA for the MCP project.

In the process of developing the attached MOA, the FHWA has consulted with the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Indians, the Gabrieleno/Tongva San

Gabriel Band of Mission Indians, the Gabrielino Tongva Nation, the Morongo Band of Mission Indians, the Pechanga Band of Luiseño Indians, the Ramona Band of Cahuilla, the San Manuel Band of Mission Indians, and the Soboba Band of Luiseño Indians, for which archaeological Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866 have cultural significance. The Tribes have participated in the consultation process and have been invited to be Concurring Parties on the MOA.

Consultation by the FHWA with the above Tribal concurring parties consisted of numerous meetings and/or field visits as described in detail in the Discovery and Monitoring Plan that is attached to the MOA. To summarize briefly, a preliminary meeting to discuss the MOA was held on October 29, 2013; all of the Tribal concurring parties were invited to attend. Following that, there were three rounds of submittals to the Tribal concurring parties of the MOA for their review and comment. The first submittal for review of the MOA by the Tribal concurring parties was on November 8, 2013. Meetings were held with individual Tribes who requested them on November 18 and 19, 2013, to clarify aspects of the MOA; and on December 16 and 17, 2013, to discuss comments that were received after the first submittal. The second submittal to the Tribal concurring parties was on January 28, 2014.

For both rounds of submittals, the Tribal concurring parties were provided a 30-day review and comment period. Subsequent to each 30-day review, comments were addressed by the FHWA and the document was resubmitted to the Tribal concurring parties. A final submittal to the Tribes for a 10-day review occurred on April 4, 2014. Per a request from Pechanga to discuss several matters further, the FHWA spoke with Tribal representatives by phone on April 23 and 28, 2014. No additional consultation was requested by any of the Tribal concurring parties. Thus, the MOA currently being submitted by the FHWA to the SHPO reflects revisions made throughout the review process, with extensive input from the consulting Tribes.

We look forward to your review and concurrence on the MOA, at which time we will circulate the MOA for signature by the Signatories, Invited Signatories, and Concurring Parties. Should you have any questions or if my staff can be of any further assistance, please contact Shawn Oliver by phone at (916) 498-5048, or email at [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov).

Sincerely,



For,

Vincent P. Mammano  
Division Administrator

**Enclosures:** *Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project, Riverside County, California, April 2014 (1 hard copy and CD)*

cc.

Carol Legard, Advisory Council on Historic Preservation (ACHP); (CD)  
 Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)  
 Shawn Oliver, Federal Highway Administration (FHWA); (CD)  
 Larry Vinzant, Federal Highway Administration (FHWA); (CD)  
 Tay Dam, Federal Highway Administration (FHWA); (CD)  
 Gabrielle Duff, Caltrans District 8; (CD)  
 Gary Jones, Caltrans District 8; (CD)  
~~Marie Petry, Caltrans District 8; (CD)~~  
 Andrew Walters, Caltrans District 8; (CD)  
 Todd Jafke, Caltrans Section 106 Coordination Branch Chief; (CD)  
 Alex Menor, Riverside County Transportation Commission (RCTC); (CD)  
 Patricia Garcia, Agua Caliente Band of Cahuilla Indians (CD)  
 Luther Salgado, Sr., Cahuilla Band of Indians (CD)  
 Yvonne Markle, Cahuilla Band of Indians (CD)  
 Adrian Morales, Gabrieleno/Tongva San Gabriel Band of Mission Indians (CD)  
 Anthony Morales, Gabrieleno/Tongva San Gabriel Band of Mission Indians (CD)  
 Sam Dunlap, Gabrielino Tongva Nation (CD)  
 William Madrigal, Jr., Morongo Band of Mission Indians (CD)  
 Mark Macarro, Pechanga Band of Luiseño Mission Indians (CD)  
 Anna Hoover, Pechanga Band of Luiseño Mission Indians (CD)  
 Paul Macarro, Pechanga Band of Luiseño Mission Indians (CD)  
 Joseph Hamilton, Ramona Band of Cahuilla (CD)  
 John Gomez, Jr., Ramona Band of Cahuilla (CD)  
 Ann Brierty, San Manuel Band of Mission Indians (CD)  
 Joseph Ontiveros, Soboba Band of Luiseño Indians (CD)

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

September 18, 2014

650 Capitol Mall, Suite 4-100  
Sacramento, California 95814  
(916) 498-5001  
(916) 498-5008 (Fax)

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Post Office Box 94896  
Sacramento, California 94296-0001

In Reply Refer To:  
HDA-CA

**Subject:** Revised Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project, Riverside County, California, September 2014

Dear Dr. Roland-Nawi:

Enclosed for your review is the revised Memorandum of Agreement (MOA) between the Federal Highway Administration (FHWA) and the California State Historic Preservation Officer (SHPO) regarding the Mid County Parkway (MCP) Project, Riverside County, California, dated September 2014. The current version of the MOA reflects comments received from your office on the first submittal, which was dated April 2014. Two matrices are attached that explain how we have addressed these comments.

The FHWA, Riverside County Transportation Commission (RCTC), and the California Department of Transportation (Caltrans) propose to construct a new transportation corridor in Riverside County. This corridor, the Mid County Parkway (MCP), is proposed to extend from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east, near Cajalco Road and the Ramona Expressway, a distance of approximately 16 miles.

The FHWA has determined that the MCP Project will have an adverse effect on archaeological Site 33-16598, which has been determined to be eligible for inclusion in the National Register of Historic Places (National Register), and on archaeological Sites 33-19862, 33-19863, 33-19864, and 33-19866, which are assumed eligible for the National Register for the purposes of the MCP Project.

The FHWA has consulted with the SHPO pursuant to 36 CFR Part 800, and notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding (Finding of Effect) on December 5, 2012, and on April 24, 2014, pursuant to 36 CFR Part 800.6(a)(1). The adverse Finding of Effect has resulted in the development of the attached MOA for the MCP Project. Since notifying the ACHP of the adverse Finding of Effect, the ACHP has provided a

letter dated July 18, 2014, that states they do not believe that their participation in the consultation to resolve adverse effects is needed for the MCP Project.

The current version of the MOA was submitted to the consulting Tribes for the project for a 10-day review on August 29, 2014. These Tribes include the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Indians, the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Gabrielino Tongva Nation, the Morongo Band of Mission Indians, the Pechanga Band of Luiseño Indians, the Ramona Band of Cahuilla, the San Manuel Band of Mission Indians, and the Soboba Band of Luiseño Indians. These Tribes have participated in the consultation process and have been invited to be Concurring Parties on the MOA. No comments were received from any of the consulting Tribes during the 10-day review period.

We look forward to your review and concurrence on the MOA, at which time we will circulate the MOA for signature by the Signatories, Invited Signatories, and Concurring Parties. Should you have any questions or if my staff can be of any further assistance, please contact Shawn Oliver by phone at (916) 498-5048, or email at shawn.oliver@dot.gov.

Sincerely,



for Vincent P. Mammano  
Division Administrator

**Enclosures:**

*Revised Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project, Riverside County, California, September 2014 (1 hard copy and CD)*

Response to SHPO Comments Matrices (1 hard copy and CD)

- cc. Stephanie Stoermer, Federal Highway Administration (FHWA); (CD)
- Shawn Oliver, FHWA; (CD)
- Larry Vinzant, FHWA; (CD)
- Tay Dam, FHWA; (CD)
- Gabrielle Duff, Caltrans District 8; (CD)
- Gary Jones, Caltrans District 8; (CD)
- Marie Petry, Caltrans District 8; (CD)
- Andrew Walters, Caltrans District 8; (CD)
- Todd Jafke, Caltrans Section 106 Coordination Branch Chief; (CD)
- Kelly Hobbs, Caltrans Section 106 Coordinator, Cultural Studies Office (CD)

Alex Menor, Riverside County Transportation Commission (RCTC); (CD)  
Patricia Garcia, Agua Caliente Band of Cahuilla Indians (CD)  
Luther Salgado, Sr., Cahuilla Band of Indians (CD)  
Yvonne Markle, Cahuilla Band of Indians (CD)  
Adrian Morales, Gabrieleno/Tongva San Gabriel Band of Mission Indians (CD)  
Anthony Morales, Gabrieleno/Tongva San Gabriel Band of Mission Indians (CD)  
Sam Dunlap, Gabrielino Tongva Nation (CD)  
William Madrigal, Jr., Morongo Band of Mission Indians (CD)  
Mark Macarro, Pechanga Band of Luiseño Mission Indians (CD)  
Anna Hoover, Pechanga Band of Luiseño Mission Indians (CD)  
Paul Macarro, Pechanga Band of Luiseño Mission Indians (CD)  
Joseph Hamilton, Ramona Band of Cahuilla (CD)  
John Gomez, Jr., Ramona Band of Cahuilla (CD)  
Ann Brierty, San Manuel Band of Mission Indians (CD)  
Joseph Ontiveros, Soboba Band of Luiseño Indians (CD)

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